

Local Authority Governor Nomination Pack

This MS Word version has been made available to enable completion by nominees, chairs and clerks via computer and email.

The form should be completed in the usual way; your attention is drawn to p8 where the nominee's signature is required to confirm that:

- **none of the Governor Qualifications & Disqualifications (regulation 17 & schedule 4 to the Regulations) apply**
- **the Guidelines for the Nomination of Local Authority Governors have been read**

Where possible, please physically sign the form in the usual way.

Where this is not possible, nominees should complete using the text/e-signature confirmation facility, prior to forwarding to the chair for their supporting statement/comments (p10); as is expected, the chair will then forward to the governance professional (clerk) for checking, the completion of actions (p11) and submission to The Education People along with supporting (possibly draft) full governing body minutes.

Please do not alter any wording other than the identified – shaded area on Page 11.

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LA governor nomination process

The information that governors and governance professionals/clerks need to submit a Local Authority (LA) governor nomination has been drawn together in this one pack.

It is the expectation for both **new** LA governors and for LA governors who are already in post **seeking a further term of office**, that:

Due diligence checks have taken place by the governing body **prior to the nomination being put forward**.

- Skills audit.
- Discussion with chair and headteacher.

Notation of the governing body's **post-nomination** activities have been recorded in the full governing body minutes eg:

- code of conduct review/clarification
- mentor assignment
- induction process attendance and training expectations are clearly explained
- training and development analysis, and impact assessment.

These suggestions are not an exhaustive list; activities could depend on the new/renewing status of the nomination; a full governing body review could be considered appropriate.

This will mean that the governance professional/clerk alongside the governing body, will need to keep the governing body membership (end of term of office dates and vacancies) under close and timely review.

Closing dates for nomination submissions

The **final dates for submissions** to be considered, except for January, August and September, will be the **first day of each calendar month**:

**01 February, 01 March, 01 April, 01 May, 01 June, 01 July
01 October, 01 November, 01 December**

Please note for existing LA governors (those seeking a further term of office) Governor Services does not contact existing LA governors regarding reappointment; it will be the **responsibility** of the governor, governance professional/clerk and the chair, together with the governing body, **to pay close attention to governor vacancies and terms of office**.

The governing body nominated LA governor should complete the nomination form in black ink, having first read both the Guidelines for Nomination of LA Governors and the School Governance Qualifications and Disqualifications as the information contained within these documents **may already preclude a prospective nominee from applying to become an LA governor**.

After completion of the nomination form (pages 9-11), additional information must be provided by the chair and governance professional/clerk; the governance professional/clerk will then arrange for the nomination form, full governing body minutes (a draft version having been approved by the chair, will be acceptable) and any additional information considered necessary, to be submitted to Governor Services (details are provided on the nomination form).

Once the governor nomination process is complete

A response via email from Governor Services will be provided to the nominee, the chair and governance professional.

The governance professional/clerk will then ensure:

- The formal appointment is included as an agenda item at the next available full governing body meeting.
- Either the draft or agreed full governing body minutes **recording the formal appointment or information detailing why nominee was not appointed**, are sent to Governor Services at the earliest opportunity.
- The necessary **administrative and legal processes** are initiated such as ensuring DBS/128 checks have commenced within the required timescales. Updating and arranging your access to GovernorHub and school IT systems, including the issue of a school email address, and update the school's website and National Database (GIAS).
- Details of the governing body's own information will be provided e.g. code of conduct, meeting dates and times, governors' contacts, induction process (including safeguarding) and details of training and development opportunities and expectations.

Should you require any further information, please contact your governance professional/clerk or Governor Services.

Prior to the completion of the nomination form, the guidelines for the nomination of Local Authority governors should be read together with the legislative information regarding the qualification and disqualifications of governors e.g. for reasons of child protection/safeguarding, insolvency or criminal convictions.

Guidelines for the nomination of Local Authority governors

The following guidelines are based upon the legislation outlined within this document and are reviewed on a regular basis by Kent County Council.

Kent County Council has delegated the authority to consider nominations of LA governors to LA maintained school governing bodies, pupil referral units and academies to the Director of Education and SEND.

There is a separate process for the removal of LA governors.

General principles and expectations

Local Authority governors should be able to make a full and effective contribution as a school governor and meet the skill set identified by the appointing governing body.

Candidates will be considered for nomination to a governing body vacancy by reference to a completed nomination form, taking into consideration the governing body's own identified skill set.

A member of staff cannot be appointed as a Local Authority governor and therefore is unable to be considered for nomination.

All candidates for nomination must conform in full with the qualifications and disqualifications specified in The School Governance (Constitution) (England) Regulations 2012 and as amended by subsequent regulations from time to time.

Kent County Council has laid down the following guidelines for the appointment of Local Authority governors. The Director of Education and SEND will also take account of any relevant comments received from the headteacher, governing body or local authority officers before recommending a candidate for appointment or re-appointment to a governing body.

Potential conflicts of interest

Kent County Council aims to ensure that no potential conflicts of interest will arise between the personal interests of the Local Authority governor and the Local Authority. Accordingly, a candidate is unlikely to be successfully nominated for appointment as a Local Authority governor to a school if they:

- are a member of staff in a Kent funded school (a candidate who volunteers at the school may be nominated if it is deemed that their relationship to the school is sufficiently remote to make a potential conflict of interest unlikely to arise)
- are a parent of a child attending the school
- are related to a member of staff, or a member of the school's governing body
- have worked at the school in the past
- have worked at a school in the same area in the last 2 years
- have made a complaint of a vexatious nature to either the school or the Local Authority.

Re-appointment

LA governor appointments are made at governing body level, providing a person continues to meet the governing body's skills requirements, the governing body can make an appointment for a further term of office providing they have satisfied the following conditions.

1. Within 2 months of the end of the governor's term of office, the governing body submits for consideration:
 - a. A completed nomination form.
 - b. A statement from the governor outlining the contribution the governor has made to the effectiveness of the governing body over their term of office.
 - c. A statement from the governing body supporting their reappointment.
 - d. A minimum attendance at full governing board meetings of at least 65%.

The Director of Education and SEND discretion

The Director of Education and SEND has the discretion to agree to the nomination of any candidate. In considering whether to exercise their discretion, they will take account of any relevant comments received from the headteacher, governing body or Local Authority officers before recommending a nominee for appointment. The decision will be taken with full regard to all aspects of equal opportunities legislation and will also take into account any other factor that the candidate wishes to be taken into consideration.

Note: A register of exceptions is maintained in respect of any person accepted for appointment against these guidelines.

These guidelines were approved by Selection and Member Services Committee on 22 March 2018. They take into account changes arising from the Education Act 2002: specifically, The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013, the Education and Inspections Act 2006, and The School Governance (Constitution) (England) Regulation 2012.

The School Governance (Constitution) (England) Regulations 2012 - Regulation 17 and Schedule 4:

Qualifications and disqualifications

General

1. A person is disqualified from holding or from continuing to hold office as a governor of a school at any time when the person is a registered pupil at the school.
2. A person is disqualified from being elected or appointed as a governor unless the person is aged 18 or over.
3. Save as otherwise provided in these Regulations, the fact that a person is qualified to be elected or appointed as a governor of a particular category at a school does not disqualify the person from election or appointment or from continuing as a governor of any other category at that school, but no person may at any time hold the office of more than one governor of the same school.
4. Any person who is disqualified from holding office as a governor of a school under this Schedule is likewise disqualified from holding or continuing to hold office as an associate member of the governing body unless the disqualification is under paragraphs 1 or 2 of this Schedule.

Disqualification criteria for categories of governor

5. —(1) A person is disqualified from election or appointment as a parent governor of a school if the person—
 - (a) is an elected member of the local authority; or
 - (b) is paid to work at the school for more than 500 hours in any twelve consecutive months.

(2) A person (“P”) is not disqualified from continuing to hold office as a parent governor because P ceases to be a parent of a registered pupil at the school or to fulfil any of the requirements set out in paragraphs 10 and 11 of Schedule 1 (as the case may be).
6. A person is disqualified from appointment as a local authority governor if the person is eligible to be a staff governor of the school.
7. —(1) A person is disqualified from nomination or appointment as a partnership governor of a school if the person is—
 - (a) a parent of a registered pupil at the school
 - (b) eligible to be a staff governor of the school
 - (c) an elected member of the local authority; or
 - (d) employed by the local authority in connection with their education functions.

(2) The disqualification criterion in paragraph 7(1)(d) does not apply in the case of a person who is employed by a local authority in England under a contract of employment providing for the person to work wholly at a school or schools maintained by the local authority.
8. Upon ceasing to work at the school, a staff governor of a school is disqualified from continuing to hold office as such a governor.

Failure to attend meetings

9. —(1) This paragraph applies to every governor, other than governors who are governors by virtue of the office that they hold.

(2) A governor who, without the consent of the governing body, has failed to attend their meetings for a continuous period of six months beginning with the date of the first such meeting the governor fails to attend, is, on the expiry of that period, disqualified from continuing to hold office as a governor of that school.

(3) A foundation governor, authority governor, co-opted governor or partnership governor who has been disqualified as a governor of a school under sub-paragraph (2) is not qualified for election, nomination or appointment as a governor of any category at that school for twelve months starting on the date on which they are so disqualified.

Bankruptcy

10. A person is disqualified from holding or continuing to hold office as a governor of a school if—
 - (a) the person’s estate has been sequestered and the sequestration has not been discharged, annulled or reduced; or
 - (b) the person is the subject of a bankruptcy restrictions order, an interim bankruptcy restrictions order (a), a debt relief restrictions order or an interim debt relief restrictions order (b).

Disqualification of company directors

11. A person is disqualified from holding, or from continuing to hold, office as a governor of a school at any time when the person is subject to—
 - (a) a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986 (c)
 - (b) a disqualification order under the Company Directors Disqualification (Northern Ireland) Order 2002 (d)

- (c) a disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002; or
- (d) an order made under section 429(2)(b) of the Insolvency Act 1986 (e) (failure to pay under county court administration order).

Disqualification of charity trustees

12. A person is disqualified from holding or from continuing to hold office as a governor of a school if—
- (a) the person (“P”) has been removed from the office of trustee for a charity by an order made by the Charity Commission or Commissioners or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity for which P was responsible or to which P was privy, or to which P contributed or which P facilitated by P’s conduct; or
 - (b) (the person has been removed, under section 34 of the Charities and Trustee Investment (Scotland) Act 2005 (f), from being concerned in the management or control of any body.

(a) “Bankruptcy restrictions order” means an order made under paragraph 1 of Schedule 4A to the Insolvency Act 1986 (c. 45) and “interim bankruptcy restrictions order” means an order made under paragraph 5 of that Schedule. Schedule 4A was inserted by Schedule 20 to the Enterprise Act 2002 (c. 40).

(b) “Debt relief order” means an order made under paragraph 1 of Schedule 4ZB to the Insolvency Act 1986 (c. 45) and “interim debt relief order” means an order made under paragraph 5 of that Schedule. Schedule 4ZB was inserted by Schedule 19 to the Tribunals, Courts and Enforcement Act 2007 (c. 15).

(c) 1986 c.46.

(d) S.I. 2002/3150 (N.I. 4), as amended by the Companies Act 2006 (c.46), the Banking Act 2009 (c.1), the Debt Relief Act (Northern Ireland) 2010 (c.16) and by S.I. 2005/1454 (N.I.9), 2005/1455 (N.I.10), 2005/1967 (N.I.17), 2006/314 (N.I.3), 2006/3336 (N.I.21), 2007/2194, 2008/948, 2009/805 and 2009/1941.

(e) 1986 c.45. Section 429(2) is repealed and substituted by section 106 of and Schedule 16 to the Tribunals, Courts and Enforcement Act 2007 (c.15), which are not yet in force.

(f) 2005 asp 10.

Disqualification of elected parent or staff governors who have been removed from office

12A. A person is disqualified from holding or continuing to hold office as a governor of a school until the date immediately after the fifth anniversary of the date of their removal as an elected parent or staff governor under these Regulations.

Persons whose employment is prohibited or restricted

13. A person is disqualified from holding or from continuing to hold office as a governor of a school at any time when the person is—
- (a) included in the list kept under section 1 of the Protection of Children Act 1999(a) (list of those considered by the Secretary of State as unsuitable to work with children).
 - (b) subject to a direction of the Secretary of State under section 142 of EA 2002(b) (or any other disqualification, prohibition or restriction which takes effect as if contained in such a direction).
 - (c) barred from regulated activity relating to children in accordance with section 3(2) of the Safeguarding Vulnerable Groups Act 2006(c).
 - (d) disqualified from working with children under sections 28, 29 or 29A of the Criminal Justice and Court Services Act 2000(d).
 - (e) disqualified from registration under Part 2 of the Children and Families (Wales) Measure 2010(e) for child minding or providing day care; or
 - (f) disqualified from registration under Part 3 of the Childcare Act 2006(f).

Criminal convictions

14. —(1) Subject to sub-paragraph (6) below, a person is disqualified from holding, or continuing to hold, office as a governor of a school where any of sub-paragraphs (2) to (4) or (6) below apply to the person.
- (2) This sub-paragraph applies to a person (“P”) if—
- (a) within the period of five years ending with the date immediately preceding the date on which P’s appointment or election as governor would otherwise have taken effect or, as the case may be, on which P would otherwise have become a governor by virtue of an office, or
 - (b) (b) since P’s appointment or election as governor or, as the case may be, since P became a governor by virtue of an office, P has been convicted, whether in the United Kingdom or elsewhere, of any offence and a sentence of imprisonment (whether suspended or not) has been imposed on P for a period of not less than three months without the option of a fine.

(3) This sub-paragraph applies to a person (“Q”) if within the period of 20 years ending with the date immediately preceding the date on which Q’s appointment or election as governor would otherwise have taken effect or, as the case may be, on which Q would otherwise have become a governor by virtue of an office, Q has been convicted of any offence and a sentence of imprisonment has been imposed on Q for a period of not less than two and a half years.

(4) This sub-paragraph applies to a person who has at any time been convicted as aforesaid of any offence and a sentence of imprisonment has been imposed on the person for a period of not less than five years.

(5) For the purposes of sub-paragraphs (2) to (4) above, any conviction by or before a court outside the United Kingdom of an offence which, if the facts giving rise to the offence had taken place in any part of the United Kingdom, would not have constituted an offence under the law in force in that part of the United Kingdom must be disregarded.

(6) This sub-paragraph applies to a person (“R”) if—

- (a) within the period of five years ending with the date immediately preceding the date on which R’s appointment or election as governor would otherwise have taken effect or, as the case may be, on which R would otherwise have become a governor by virtue of an office, or
- (b) since R’s appointment or election as governor or, as the case may be, since R became a governor by virtue of an office, R has been convicted under section 547 of EA 1996(a) (nuisance or disturbance on school premises) or under section 85A of the Further and Higher Education Act 1992(b) (nuisance or disturbance on educational premises) of an offence and has been sentenced to a fine.

(a) 1999 c.14, as amended by the Care Standards Act 2000 (2000 c.14). Section 1 is repealed by section 63 of and Schedules 9 and 10 to the Safeguarding Vulnerable Groups Act 2006 (c.47) save as provided by S.I. 2009/2611.

(b) Section 142 is repealed by section 63 of and Schedule 10 to the Safeguarding Vulnerable Groups Act 2006 (which are only partly in force) save as provided by S.I. 2009/2611.

(c) 2006 c.47.

(d) 2000 c.43. Section 28 is repealed by section 63 of and Schedule 10 to the Safeguarding Vulnerable Groups Act 2006 (which are only partly in force) save as provided by S.I. 2009/2611 and S.I. 2010/1101.

(e) 2010 nawm 1.

(f) 2006 c.21. Part 3 is amended by the Education and Inspections Act 2006 (c.40), the Safeguarding Vulnerable Groups Act 2006, the Education and Skills Act 2008 (c. 25), the Apprenticeships, Skills, Children and Learning Act 2009 (c.22) and the Education Act 2011 (c.21).

Refusal to make an application for a criminal records certificate

15. A person is disqualified from holding or continuing to hold office as a governor at any time when the person refuses a request by the clerk to the governing body to make an application under section 113B of the Police Act 1997(c) for a criminal records certificate.

Notification to clerk

16. Where a person (“P”) is, or is proposed to become, a governor and by virtue of any of paragraphs 10 to 14 P is disqualified from holding, or from continuing to hold, office as a governor, P must give notice of that fact to the clerk to the governing body.

The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016 - Regulation 2

Amendment of the School Governance (Constitution) (England) Regulations 2012

2. —(1) The School Governance (Constitution) (England) Regulations 2012(b) are amended as follows.

(2) In regulation 5(1) (interpretation), in the appropriate place, insert—“enhanced criminal record certificate” means an enhanced criminal record certificate issued under section 113B of the Police Act 1997, which includes, in such cases as are from time to time prescribed under section 113BA(1) of that Act, suitability information relating to children, and any relevant up-date information (as defined in section 116A(8) of the Act) where such a certificate is subject to up-date arrangements;”.

(3) After regulation 16 (notification of appointments), insert—

“Criminal record certificates”

16A. —(1) Where a governor has been elected or appointed before 1st April 2016 and does not hold an enhanced criminal record certificate, the governing body must apply for such a certificate in respect of that governor by 1st September 2016.

(2) Where a governor is elected or appointed on or after 1st April 2016 and does not hold an enhanced criminal record certificate, the governing body must apply for such a certificate in respect of that governor within 21 days after his or her appointment or election.”

Local Authority Governor Nomination Form

Please complete in black ink

Name of School	Area and District
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Indicate as appropriate

Nominee Details	
Title: Last name: First name/s: Any previous last names: (eg, maiden name, change of family name)	Home address: Postcode:
Home Tel: Mobile:	Email address: Other email address:
Date of Birth:	Occupation:

Relationships	
Please provide details or indicate where not applicable (N/A)	
If you are related to a teacher, school employee or governor at this school:	
If you are a teacher or school employee at, or have retired from this or another school:	
If you have a child/children of school age, the school/s currently attended:	
If you are a KCC employee, or are related to a KCC employee, please state the department:	
Current or previous governorships. Where, governor type/category, length of service	

Local Authority Governor Nomination Form

<p>Existing LA governor - statement of contribution</p> <p>Please provide a brief statement outlining the contribution you have made to the governing body's effectiveness over your current term of office. It would be appropriate to mention the training you have undertaken, visits that you have made to the school, how you have contributed to school improvement. Attach additional information if necessary.</p>	<p>New LA governor</p> <p>Please provide details of relevant supporting factors for example, in relation to your completion of the governing body's skills audit, the school's proximity to home/workplace, your length of time in the local area, any links with the school or local community, areas of personal interest etc. Attach additional information if necessary.</p>
<p>Chair/vice chair of governors – supporting statement or comments</p> <p>Please pass this nomination form to the chair of governors (or vice chair if you are the chair, or in the absence of the chair) for their statement detailing:</p> <ul style="list-style-type: none">• As an existing governor - any relevant contribution you have made to the governing body, its committees/teams• As a new governor, identified skills and links you may have <p>Attach additional information if necessary</p>	

Local Authority Governor Nomination Form

Governance professional/clerk – action required

Please provide the following supporting information:

New and existing Local Authority governors

1. Date of full governing body (FGB) discussion and agreement to proceed with this nomination:
2. Ensure that either draft or agreed FGB minutes supporting the nomination are submitted with this nomination form.
3. Date of minutes detailing FGB due diligence checks:
(This may not be the same set of minutes as mentioned above)

Existing Local Authority governors only

1. Number of full governing body meetings held during current term of office:
2. Number of full governing body meetings attended during current term of office:
3. Percentage of full governing body meetings attended:

Self-declaration

- I confirm that none of the Governor Qualifications and Disqualifications (regulation 17 and Schedule 4 to the Regulations) attached to this re-nomination form on the following pages apply to me.
- I confirm that I have read the guidelines for the Nomination of Local Authority Governors

Signature:

Or in place of a physical signature, the above is confirmed by:

Date:

Please note that the criminal convictions prescribed by Regulation 20, Para 10 of the 2003 Regulations as disqualifying a person from holding office of governor include some convictions that would otherwise be regarded as spent under the Rehabilitation of Offenders Act 1974. By virtue of the Rehabilitation of Offenders Act (Exemptions) Order 1975 all convictions including spent convictions must be disclosed.

If you need further guidance, please contact the Governor Services.

Tel: 03301 651 100

Governance professional/clerk - please scan the completed form and send via email with appropriate supporting minutes and any additional information to:

governorservices@theeducationpeople.org