

Procedures for the Appointment and Reappointment of Local Authority Governors

Guidance for governing boards and
clerks of maintained schools

Revised April 2022

If you have any queries about the procedures, please contact Governor Services on 0330 0249046 or email GovernorServices@oxfordshire.gov.uk

Appointing Local Authority Governors

Background

In May 2014 the DfE announced that all governing boards must reconstitute under the School Governance (Constitution) (England) Regulations 2012 by September 2015. These regulations state that governing boards must only have one LA governor.

Local authority (LA) governors provide a link between the LA and its schools. They must therefore be aware of any local priorities and the reasons behind these, which are often part of a national agenda. LA governors are *not* delegates, so cannot be instructed how to vote at meetings. As with other governors, LA governors vote after hearing all the views, according to what is in the best interests of the pupils in the school. Once a collective decision has been made, all governors must accept it as being the majority view and be loyal to it outside the school.

Process for appointing a local authority governor

An LA governor vacancy arises

The board checks its skills audit to see what gaps there are, and then contacts Governor Services to advise them of the vacancy

The board has a nominee

If the board has someone in mind to fill the vacancy, with the skill set they need, Governor Services should be contacted, with the details of that person, highlighting what skills they would bring to the board. The email should also include the date of the next full governing board (FGB) meeting

OR

The board does not have a nominee

The board should contact Governor Services, advising them of the vacancy, the skills set required and the date of the next FGB meeting

Governor Services contacts the local County Councillor

Governor Services contacts the school's local County Councillor* (see notes below) on their behalf, asking if the Councillor would like to nominate someone to the role, and highlighting the skills set required by the board. The date of the next FGB meeting is given as a timeframe for the appointment.

NB If the school knows their local County Councillor, they can contact them directly, copying Governor Services into the email.

When the County Councillor has replied, the board is contacted by Governor Services

Either with agreement to appoint the board's nominee

OR

Offering an alternative nominee

OR

Offering no nominee and saying the board is free to appoint as they choose

Appointment by the board

At the next FGB meeting, the board appoints the nominee with the most suitable skill set for the role of LA governor

NB if the board has chosen not to appoint the county councillor's nominee, the board should write to Governor Services explaining the reasons for this.

Following the appointment of a new LA governor, the board's governance professional (clerk) updates GovernorHub with the new governor's details and uses the [New Governor Checklist](#) to ensure that all necessary actions are completed.

*Notes

1. For maintained **primary schools**, the County Councillor in whose Division the school lies will be contacted
2. For maintained **secondary schools**, the County Councillor in whose Division the school lies *and* the County Councillor(s) from which at least 20% of the schools pupils come from will be contacted
3. For maintained **special schools**, all County Councillors will be contacted.

Criteria for Selection of LA Governors

Any person applying to be an LA governor should:

- be eligible to be a governor (not disqualified by regulations see appendix A);
- as with all governors, promote the well-being and safeguarding of children and have an interest in their education
- understand that being a governor requires commitment of time for meetings, reading, sharing the workload and visiting the school in school hours;
- understand that a governing board is a corporate body seeking to raise standards in the school;
- seek to support the school to which they are appointed and abide by any Code of Conduct that the governing board has agreed, including respecting the confidentiality of board discussions;
- have a commitment to undertake training to develop their skills and knowledge of school governance;
- not be an employee of the school;
- understand the priorities and views of the LA in order to inform the governing board and keep updated with local and national educational developments
- Everyone involved in governance should be aware of and accept 'The 7 principles of public life', as set out by Lord Nolan and applying to anyone, locally and nationally, who is elected or appointed as a public office-holder. The principles are selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Reappointment of LA governor

Serving LA governors wishing to reapply for another term of office should make their wishes known to the board the school term before their term of office expires.

The clerk should contact Governor Services to advise of the **expiry date** of the term of office, along with a **personal statement** from the governor to show how their contributions as a governor have had an impact on the strategic direction of the school over the last four years. This should not just be a list the committees they serve on or the events they have attended, but rather what work they have done that has made a difference, as well as how they have kept their knowledge of governance up to date (eg training courses attended).

Governor Services will then contact the County Councillor with this information to ascertain whether they endorse the reappointment, or wishes to nominate their own candidate, as per the above appointment process.

Removal of LA governors

“Local authority governors may be removed from office by the local authority that nominated them. The local authority must give written notice of the removal to the clerk to the governing body and to the governor concerned.”

[Constitution of governing bodies of maintained schools](#)

Legislation and statutory guidance

[Constitution of governing bodies of maintained schools](#)

Local authority governors (regulation 8)

Local authority governors are nominated by the local authority but appointed by the governing body. The local authority can nominate any person who is eligible to be a local authority governor, but it is for the governing body to decide whether their nominee has the skills required to contribute to the effective governance and success of the school and meets any other eligibility criteria they have set. Local authorities should therefore make every effort to understand the governing body’s requirements and identify and nominate suitable candidates. An individual eligible to be a staff governor at the school may not be appointed as a local authority governor.

From the [Governance Handbook \(Oct 2020\)](#):

Local authority nominated Governors

51. For LA Governor appointments, a board should make clear its eligibility criteria including its expectations of the credentials and skills prospective candidates should possess. LAs must then make every effort to understand the board’s requirements in order to identify and nominate suitable candidates. It is for the board to decide whether the LA nominee meets any stated eligibility criteria and, if it chooses to reject the candidate on that basis, to explain their decision to the LA.

52. Once appointed, LA Governors must govern in the interests of the school and not represent or advocate for the political or other interests of the LA; it is unacceptable practice to link the right to nominate LA governors to the local balance of political power.

APPENDIX A

QUALIFICATIONS AND DISQUALIFICATIONS

Governors and Associate Members

Regulation 17, Schedule 4 of The School Governance (Constitution) (England) Regulations 2012 covers the qualifications and disqualifications of governors for Maintained Schools.

All disqualifications apply to associate members except that they can be registered pupils at the school and can be under 18.

A governor must be aged 18 or over at the time of his or her election or appointment and cannot be a registered pupil at the school.

A governor must not also be a clerk to the governing body at which they are a governor.

A person cannot hold more than one governor post at the same school at the same time.

A person is disqualified from being a parent governor if they are an elected member of the LA or paid to work at the school for more than 500 hours (i.e. for more than one-third of the hours of a full-time equivalent) in any consecutive twelve month period (at the time of election or appointment).

A person is disqualified from being a local authority governor if they are eligible to be a staff governor at the school.

A person is disqualified from being a partnership governor if they are:

- a parent of a registered pupil at the school;
- eligible to be a staff governor at the school;
- an elected member of the LA; or
- employed by the local authority in connection with its education functions.

A person is disqualified from being a governor of a particular school if they have failed to attend the meetings of the governing body of that school for a continuous period of six months, beginning with the date of the first meeting they failed to attend, without the consent of the governing body. This does not apply to the headteacher or to foundation governors appointed by virtue of their office.

A foundation, local authority, co-opted or partnership governor at the school who is disqualified for failing to attend meetings is only disqualified from being a governor of any category at the school during the twelve month period starting on the date on which they were disqualified.

A person is disqualified from holding or continuing to hold office as a governor of a school if, in summary, that person:

- is the subject of a bankruptcy restrictions order; an interim bankruptcy restrictions order; debt relief restrictions order; an interim debt relief restrictions order; or their estate has been sequestrated and the sequestration has not been discharged, annulled or reduced;

- is subject to a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986; a disqualification order under the Companies (Northern Ireland) Order 2002; a disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002; or an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order)
- has been removed from the office of trustee for a charity by an order made by the Charity Commission or Commissioners or High Court on grounds of any misconduct or mismanagement in the administration of the charity, or under section 34 of the Charities and Trustee Investment (Scotland) Act 2005 from being concerned in the management or control of any body
- has been removed from office as an elected governor within the last five years
- is included in the list of people considered by the Secretary of State as unsuitable to work with children or young people
- is barred from any regulated activity relating to children
- is subject to a direction of the Secretary of State under section 142 of the Education Act 2002 or section 128 of the Education and Skills Act 2008
- is disqualified from working with children or from registering for child-minding or providing day care
- is disqualified from being an independent school proprietor, teacher or employee by the Secretary of State
- subject to certain exceptions for overseas offences that do not correlate with a UK offence, has been sentenced to three months or more in prison (without the option of a fine) in the five years ending with the date preceding the date of appointment/election as a governor or since becoming a governor
- subject to certain exceptions for overseas offences that do not correlate with a UK offence, has received a prison sentence of two and a half years or more in the 20 years ending with the date preceding the date of appointment/election as a governor
- subject to certain exceptions for overseas offences that do not correlate with a UK offence, has at any time received a prison sentence of five years or more
- has been convicted and fined for causing a nuisance or disturbance on school or educational premises during the five years ending with the date immediately preceding appointment/election or since appointment or election as a governor
- refuses a request by the clerk to make an application to the Disclosure And Barring Service for a criminal records certificate.

Anyone proposed or serving as a governor who is disqualified for one of these reasons must notify the clerk to the governing body.