

CALL-IN OF DELEGATED DECISION ED/2005/00042

Re-nomination of Local Education Authority Governors to School Governing Bodies as a Result of Reconstitution

APPLICANTS' CASE

Chairman, we have called in Delegated Decision ED/2005/00042 because we feel there is a need to ensure that the Local Education Authority is adhering fully to the LEA Governor Recruitment Strategy passed by Cabinet on 9th April 2003.

The Strategy is a detailed document covering a wide range of issues relating to Governor appointments, but it is the Protocol for LEA Governor Appointments (points 17–22 of the strategy) to which we draw your attention today.

Point 19 of the strategy states:

'Prior to any decisions being taken by the Cabinet Member consultation takes place with other elected representatives of the three main political parties represented on the County Council. This is done routinely, every six to eight weeks, at the cross-party LEA Consultative Group or, in urgent or exceptional circumstances, by circulation of reports which include names for consideration.'

We have some concerns about this. As of today, we are not aware of any documentary evidence that the re-appointments listed in decision ED/2005/00042 were properly relayed through the LEA Consultative Group, or via the urgency procedures, prior to this Delegated Decision being taken.

Since in each of the cases listed in decision ED/2005/00042, re-constitution of the governing body takes place at the earliest on 1st September, and in one case the 1st October, why could this list of suggested nominees not be brought before the next Consultative Group meeting scheduled for 12th July, before any Delegated Decision was made?

We would also ask the call-in committee to consider whether Delegated Decision Reports of this nature should contain a paragraph confirming that proper consultation has taken place, and stating the date of the Consultative Group meeting at which this approval was given.

Point 21 of the strategy states:

'For the first twelve weeks of any LEA governor vacancy the local political parties are given first consideration. Any nominations received from them are accepted, subject to the nomination meeting the LEA's criteria and a valid application and statement being submitted by the nominee. Political appointments reflect the balance of power on the County Council.'

We are concerned that the report accompanying decision ED/2005/00042 only tells the reader the name of the persons applying for re-appointment and the school they intend to serve. It does not tell Members whether the re-appointments are political appointments or officers of Nottinghamshire County Council Education Department, or which political party is submitting the nomination.

Nottinghamshire County Council Education Department

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| DELEGATED DECISION |
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To: Councillor Martin Brandon-Bravo email (do you still
want to receive these?)
Councillor Kay Cutts paper
Councillor Stan Heptinstall paper
Councillor Kevan Wakefield paper
Councillor Michael Storey email
Councillor Martin Suthers paper
And all local councillors by email

From: Hilary Clarke
Education Directorate
Strategic Services

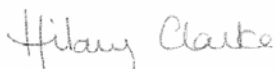
Telephone: 0115 977 3615

Date: 9 June 2005

No. of Decision: ED/2005/00042

Title of Decision: Renomination of Local Education Authority governors to
school governing bodies as a result of reconstitution

The **attached** report was approved at the portfolio meeting held on 8 June 2005. It was entered onto the computerised delegated decision record today (9 June). The publication date is expected to be 13 June 2005 (on the decision record). The expected effective date is likely to be 19 June 2005 unless a Call-In Request is made to call-in the decision in accordance with the Council's Overview and Scrutiny Procedure Rules paragraph 15.


Hilary Clarke
Education Directorate
Strategic Services
Education Department

Delegated Decision Record

Department ED

SECTION 1

Title of Decision

Decision No. ED/2005/00042

Reconstitution of LEA governors to school governing bodies as a result of reconstitution

Urgent Indicator No

Classification type School Improvement

Scrutiny Status

Decision Date 8.6.2005

Publication Date

Specific details of decision made

Approval given to reappoint those governors whose term of office will cease as a result of reconstitution of the governing body.
Nasir Clarke Kimbley Primary
Maice Clarke Kimbley Primary
Kate Foale Tallerton Primary
Harvey Maddock Killwicks Junior

Delegated Authority

V63

☐ Exempt by virtue of Paragraph(s) of part 1 of Schedule 12A of the local Government Act 1972

Delegation of Decision Maker

Deputy Director

Electoral Area Affected

Kimbley and Tronell
Ruddington
Arncliffe

SECTION 2

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|--------------------|----------------------------------|
| Author of Report | <u>Pat Mc. Lardy</u> |
| Contact | <u>Pat Mc. Lardy</u> |
| Contact Post Title | <u>Head of Governor Services</u> |
| Contact Base | <u>South Base</u> |
| Contact Tel. No. | <u>015 859 6055</u> |

SECTION 3

| | DATE OF | WHO |
|-------------------------------|------------------|---------------------|
| Directorate Notified | <u>31.5.2005</u> | <u>Nasir Clarke</u> |
| Assistant Director | | |
| Director | <u>8/6/2005</u> | <u>Pat Mc Lardy</u> |
| Cabinet Member | <u>8/6/2005</u> | <u>M. Stann</u> |
| Consultation with Trade Union | | |
| Date record entered | | |
| Date of open access to public | | |
| Departmental Bulletin Date | | |

Councillor Michael Storey

Pam Tulley

David Marriott *

Di Morton *

John Slater *

Les Wilkins *

David Wilson *

Paul Hustings

Richard Browne

Denise McBrinn

Robin West

Pat McLardy

From: Hilary Clarke

Ext: 73615

Date: 6 June 2005

* = for information

Jayne Francis, Legal Services

Abby Jakeman, Press Office, Public Relations

Education portfolio: 8 June at 11.30 a.m. (in the director of education's office)

MINUTES OF THE PORTFOLIO MEETINGS HELD ON 26 MAY 2005

Reports going to Administration Committee on 6 July 2005

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Delegated decision reports

The delegated decisions at this meeting will be published as soon, as is reasonably practicable. These items will be entered onto the computerised delegated decision record system on 9 June 2005. Expected publication date is 13 June and these decisions will become effective five clear

working days after the date of decision unless a Call-In Request is made to call-in the decision in accordance with the Council's Overview and Scrutiny Procedure Rules paragraph 15.

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6. Reappointment of LEA governors as a result of reconstitution
(Pat McLardy: delegated item)

Update for Cabinet Member for Education on departmental issues (oral item)

Hilary Clarke
Education Directorate
Strategic Services
Education Department



meeting EDUCATION PORTFOLIO MEETING

date 8 June 2005

agenda item number

REPORT OF THE DIRECTOR OF EDUCATION

Renomination of Local Education Authority Governors to School Governing Bodies as a Result of Reconstitution

Purpose of Report

1. To present a list of LEA governors who, as a result of reconstitution of the governing body require re-appointing. It is envisaged that the Deputy Leader will re-appoint the nominees for a further term of office, to take effect from either, the date the delegated decision becomes effective or the reconstitution date shown on the Instrument of Government, whichever is appropriate.

Information and Advice

2. In accordance with the Statutory Guidance on the School Governance (Constitution) (England) Regulations 2003, LEA governors appointed after 01 September 2003 under the old system serve out their term of office until the governing body reconstitutes. Since the Portfolio Meeting on May 26, 2005 the Governor Services Officer has identified a number of LEA governors who were appointed after 1 September 2003, and who now require re-appointing as a result of reconstitution of the governing body. The attached schedule lists those LEA governors who require re-appointing for a further term of office.

Statutory and Policy Implications

3. This report has been compiled after consideration of implications in respect of finance, equal opportunities, personnel, Crime and Disorder and those using the service. Where such implications are material, they have been described in the text of the report.

Equal Opportunities Implications

4. In line with the agreed protocol contained in the Statutory Guidance on the School Governance (Constitution) (England) Regulations 2003, and the LEA's appointment procedures, existing LEA governors whose term of office will

cease as a result of reconstitution of the governing body, will be put forward for re-nomination by the LEA.

RECOMMENDATION

5. That approval is given for the re-nomination of those governors whose term of office will cease as a result of re-constitution of the governing body.

PAM TULLEY

Director of Education

Legal Services' Comments (LMc./07.06.05)

6. The Deputy Leader of the County Council has authority under V63 of the Scheme of Delegation to approve appointments of LEA representatives on school governing bodies.

Director of Resources' Financial Comments (PWH)

7. Nil.

Background Papers Available for Inspection

8. Letters of application and completed LEA governor nomination forms available for inspection from the Governor Services Officer.

Electoral Division Affected

- 9, Kimberley and Trowell
Ruddington
Arnold North

M19C1343

Portfolio Meeting June 8, 2005
Reconstitution of Governing Bodies
Schedule of LEA Governors Requiring Re-appointment

| Name | School | Appointed With effect from | Term of Office Ceases | Date of Reconsti- tution | Implementation Date * |
|-------------------|----------------------|---|--------------------------------------|---|--|
| CLARKE David | Kimberley Primary | 07.12.03 | 31.08.05 | 01.09.05 | Re-appointment will take effect from the date of reconstitution of the governing body |
| CLARKE Marice | Kimberley Primary | 18.06.04 | 31.08.05 | 01.09.05 | Re-appointment will take effect from the date of reconstitution of the governing body |
| FOALE Kate | Tollerton Primary | 25.04.05 | 31.08.05 | 01.09.05 | Re-appointment will take effect from the date of reconstitution of the governing body |
| MADDOCK Harvey | Killisick Junior | 23.02.04 | 30.09.05 | 01.10.05 | Re-appointment will take effect from the date of reconstitution of the governing body |

*** The implementation date for re-appointment will be as follows:-**

**If the governing body have already reconstituted the implementation date will
be the date the delegated decision becomes effective.**

**If the governing body intend to reconstitute from a future date the
implementation date will be the date of reconstitution.**

Members, as scrutineers, have a duty to ensure that the make-up of each school governing body is in accordance with the LEA strategy and reflects the local area. We therefore contend that it should be a matter of public record as to which political party, if any, is proposing the re-nomination. We further contend that the decision report should show how each proposed appointment or re-appointment to a school governing body has been decided.

Point 22 of the strategy states:

'Governing bodies and individuals unconnected with local politics may also submit applications and these are considered alongside all other nominations. The aim of the LEA is to fill all LEA Governor vacancies appropriately and as quickly as possible.'

Again, we are concerned that the decision report gives Members no indication of whether applications were received from individuals unconnected with local politics, nor does it give any indication that measures were taken to promote the availability of these vacancies to such people.

We contend that point 22 implies that the LEA has some responsibility to advertise these vacancies and invite applications. The fact that these positions are usually filled with nominees from the political parties does not preclude the need to advertise. It could be that an application comes forward from an individual previously unknown to the political party making the nomination, but whom they would seriously consider. In our opinion, this should be an important tool in ensuring the openness and transparency of the process, and attracting people with new ideas.

In Summary

We contend that all three of these points identify concerns not only about the level of consultation currently taking place prior to LEA Governor appointments, but also as to whether members of the community who would make excellent governors are unaware or excluded from opportunities in their area.

We contend that the reports accompanying delegated decisions of this nature should give Members far more information about the process by which nomination and re-nomination recommendations have been reached; whether there were any other candidates for the nomination; and, if so, why they were discounted.