

REPORT TO THE CABINET

14 February 2017

Cabinet Member: Councillor Gareth Thomas
Item: Consultation to Revise School Governance
Link Officer: Arwyn Thomas, Head of Education

RECOMMENDATIONS

In response to the Consultation to Revise School Governance

- Recommend that the LEA agrees to the proposal that LEA Governors meet the Skills Criteria.
- Recommend that the LEA agrees that an elected member from an LEA should not be disqualified from being a governor.
- Recommend that Gwynedd Council declares to the Consultation that it is of the opinion that the review is insufficiently far-reaching to create a fit-for-purpose governance system.

INTRODUCTION AND BACKGROUND

The Welsh Government has commissioned a task and finish group to consider school governance. This task group's conclusions form the Consultation to Revise Governance. The Council was asked to provide an opinion on the conclusions.

Appendix: Reform of school governance in Wales: regulatory framework

Link to the Consultation to Revise School Governance

(Document A the consultation document, Document B the response form)

<https://ymgyngoriadau.llyw.cymru/ymgyngoriadau/diwygio-chydgrynhair-fframwaith-rheoleiddio-llywodraethu-ysgolion-yng-nghymru>

- The school governance Task and Finish Group established by the previous Education and Skills Minister to consider how fit for purpose the school governance framework in Wales is, concluded **that governing bodies needed to be more proficient in their governance role and that they also needed to recruit more widely so that the best individuals could contribute to School governance.**
- The Group's recommendation was that a shift was required away from the current stakeholders model towards a "Stakeholders Plus" governance approach. **The 'Plus'**

approach would allow governing bodies enough flexibility and freedom to recruit additional governors based on their required skills.

- In response to the Hill report, the Group concluded that amongst other things, the following were required:
 - *A greater emphasis on the skills required by governors to fulfil their responsibilities rather than on whom they represent.*
 - *Greater clarity on governing bodies roles and accountability.*

1. SUMMARY OF THE MAIN POINTS LINKED TO THE CHANGE

- **Skilled Governing Bodies**

It is noted that all school governors need to possess the required skills to “cope” with the requirements of their role. This could include relevant experience as well as formally recognized skills; e.g. it could be considered that an individual with experience in the business community possesses the skills required to serve as a school governor.

Consultations are held on making it a requirement for all governors appointed to possess – in the view of the individual or the appointing body – those skills required to contribute towards effective governance and his/her school’s success. **This is called “the skills criteria”.**

Governing bodies are expected to hold a skills audit to discover whether there are any gaps in the available skills and appoint on those grounds.

- **Categories of Governors to be disqualified**

Do you wish to include any other category of person disqualified from becoming a local authority school governor, for example an elected local authority member?

- **Changes to governor categories**

Composition of Governing Bodies

Core requirement

Appointed Parent Governor	1+
Elected Parent Governor	1+
Staff governor	1+
Headteacher	1
LEA	1
Community	1
Co-opted	1+

- For every category of schools except for voluntary or foundation, the proposals imply that governing body membership can be as low as **7**.
- It is not intended to set the largest number of governors for the same category of schools or for a school of any size. Every governing body will have freedom to elect a greater number of parent governors, staff governors and co-opted governors if they so wish.

Associated Committee Members

Differing from those who are currently invited to committee meetings, it is proposed that governing bodies are allowed to appoint an individual as an associated member to attend all set committee meetings for a period of between 1 and 4 years. This ensures progression for the governing body.

An associated member would possess skills to understand the nature of the work undertaken by that committee as well as the experience to assist a governing body to take any necessary measures.

The associated members will not be governors, and consequently they will have no voting rights on a committee **except if the governing body decides to grant them those rights on their appointment.**

Appointment of Headteacher and deputy Headteacher

A requirement is proposed that governing bodies have to advertise a vacant post for a headteacher as soon as is practically reasonable and at **least twice in a school year** until the vacancy is filled.

Independent Person

To assist governors, it is proposed to amend the composition of the appointments panel, stating that it has to include at least one independent individual who would automatically have a vote on the selection panel.

Chief LEA Officer

It is proposed that the LEA's Chief Education Officer (or his/her representative) who already is entitled to attend every teachers appointments and dismissal panel in an advisory role, should have the right to **vote on all selection and appointments panel related to the appointment of headteachers and deputy headteachers.**

Evidence suggests that many governing bodies already grant a vote to an Education Chief Officer's representative in any case because the officer's experience and neutrality can be invaluable to governors.

Timetable for implementation including establishment of Instruments of Government

If the New Regulations were prepared 1 June 2017. The regulations would be enforced on 1` December 2017. LEA's and governing bodies would then have an additional year to make all the required changes to enable governing bodies to begin implementing under the New Regulations at the same time.

In the above example, this implies that governing bodies – with the support of their local authorities - **between 1 June 2017 and 1 December 2018 can draft amended Instruments of Government that comply with the new Regulations. The amended Instruments of Government will be enforced on 1 December 2018.**

2. RISKS HIGHLIGHTED REGARDING THE PROPOSAL

Despite appreciating the voluntary work accomplished by Gwynedd Governors under the current school governance model, there is a feeling that the current system is not fit for purpose. Concern is noted that the Consultation to Revise Governance goes some way to changing the system but a risk is noted that it is not sufficiently radical to change school governance for the better and consequently contribute to raising standards at our schools.

3. RECOMMENDATIONS:

- **Recommend that the LA agrees to the proposal that LA Governors have to meet the Skills Criteria.**
- **Recommend that the LA agrees that an elected member of the LA should NOT be disqualified from being a governor.**
- **Recommend that Gwynedd Council declares to the Consultation that it is of the opinion that the review is insufficiently far-reaching to create a fit-for-purpose governance system.**

Background Documents

Reform of school governance in Wales : regulatory framework - Consultation document and supporting documents.

The opinion of statutory officers

The Chief Executive:

Undoubtedly these comments have been discussed in full. However, it is important to bear in mind that there is already considerable pressure on governors.

The Monitoring Officer:

Governing bodies have a key legal status and role in the education system. It is appropriate, therefore, that the Cabinet is providing the response to this consultation.

The Head of Finance:

The author of the report has confirmed that there is no departmental application for extra resources to revise the school governance framework at present. However, I note that clause 147 on page 34 of Annex C of the Welsh Government's relevant Consultation Document (explanation on governance and staffing regulations) highlights that there could be costs attached to using "independent persons" on appointment panels and disciplinary panels. Therefore, we can return to reconsidering this. Furthermore, the Education Department and Council's Legal Unit will use their current staff resources to put the instruments of government (constitution of governing bodies) in place for each one of our schools before the end of December 2018.