

## **PROTOCOL FOR THE NOMINATION & APPOINTMENT OF LA GOVERNORS AT MAINTAINED SCHOOLS IN TRAFFORD (2022)**

### **1. INTRODUCTION**

- 1.1 The Trafford Protocol for the nomination and appointment of Local Authority Governors (LA Governors) at maintained schools has been put in place to comply with statutory guidance as well as School Governance (Constitution) (England) Regulations 2012 and School Governance (Constitution and Federations) (England) (Amendment) Regulations 2014.
- 1.2 The protocol supports the established good practice of schools and LA working together for the benefit of children in Trafford. It outlines the process and criteria by which candidates will be nominated and appointed as LA Governors.

### **2. THE AIM OF THE PROTOCOL IS TO ENSURE THE FOLLOWING**

- 2.1 A Governing Board can notify the LA of a vacancy for LA Governor
- 2.2 A Governing Board can specify eligibility criteria for the LA Governor and request a new nomination or re-nomination of an incumbent
- 2.3 A Governing Board can receive a nominated candidate from the LA with the skills required to contribute to effective governance
- 2.4 A Governing Board can appoint an LA Governor in accordance with the constitution as stipulated in the School's Instrument of Government.
- 2.5 The LA can support effective Governance in Maintained Schools
- 2.6 An individual eligible to be a staff governor at the school may not be appointed as an LA Governor.

### 3. THE PRINCIPLES OF LA-SCHOOL RELATIONS & LA GOVERNORSHIPS

- 3.1 Boards are responsible for the conduct of their schools. That includes in particular ensuring that the school has in place an effective process for reviewing performance, identifying priorities, taking action, and monitoring progress – all with a view to raising standards. The relationship between the LA and the Governing Board should support this role.
- 3.2 Under the School Governance 2012 Regulations Governing Boards of all categories of maintained schools have one LA Governor, nominated by the LA and appointed by the Governing Board. Like other Governors, LA Governors are not delegates, and cannot be mandated by the LA to take any particular line. Their first loyalty should be to their school and the community it serves.
- 3.3 The LA may, from time to time establish links with its nominated appointees as it and they see fit. These links will not, however, take the place of formal consultation with all Governing Boards or with the **Trafford School Governors' Forum**.
- 3.4 To implement this Protocol Trafford LA will utilise the Clerking Services of Trust GS (or other provider subject to determination by Trafford Director of Education on an annual basis).
- 3.5 Trust GS will act on instruction from Trafford Education Standards which will remain the data controller and all personal information held or utilised will be the responsibility of Trafford. Trust GS will be data processor and will retain information on behalf of Trafford.
- 3.4 LA Governors will be expected to observe the Code of Conduct for Governors as adopted by the Board on which they serve. If there is no Code of Conduct in place at the School, LA Governors will be expected to adhere to the model Code of Conduct for Governors provided by at Induction training which is available via Trust GS.
- 3.6 LA Governors will be encouraged to attend Governor training to support them in their role. The **LA Governor Nomination Panel** may request details of training attended by Governors in advance of making decisions on re-nomination.

#### 4. THE PROCESS OF NOMINATION & APPOINTMENT

- 4.1 Individuals will be invited to put forward their nominations for LA Governorships by completing an **Application Form** (see Appendix 1). Completed Forms should be forwarded to Trust GS [clerk@trustgs.co.uk](mailto:clerk@trustgs.co.uk) by the 1st Friday of each School Term. Completed Forms and an up to date list of LA Governor Nominees will be retained by Trust GS on behalf of Trafford Education.
- 4.2 The Governing Board of any School with a vacancy for LA Governor will be invited to submit a **LA Governor Nomination Request Form** to Trust GS by the 1st Friday of each School Term. The Form may include a skills criteria or nomination preference.
- 4.3 The **LA Governor Nomination Panel** will convene on the 3rd Friday of each School Term. The Panel will be constituted as follows:
- Director of Education (Trafford) or nominated representative
  - Executive Member for Education or nominated representative
  - Head of Service, Trust GS or nominated representative
  - Headteacher of a Trafford Maintained School\*
  - Chair of Governors of a Trafford Maintained School\*
- (\*subject to availability and selected at random by Trust GS. The quorum for the Panel will be any 3 of the above)*
- 4.4 The Panel will review all vacancies and applications and determine any nominations or further actions. Candidates are not required to attend meetings of the Panel.
- 4.5 Following the meeting of the Panel, Trust GS (on behalf of the Panel/LA) will give written notice to the Clerk, Head & Chair of Governors of the name and usual place of residence of the person nominated. Trust GS will also inform the nominee that their details have been sent to the School.

Nominations are made at the discretion of the Panel and there is no appeal against the Panel's decision.

- 4.6 Following discussion and agreement between the nominee and an appointed representative of the Board (usually the Chair and/or Head) the LA Governor may be appointed at a meeting of the Governing Board.
- 4.7 It will be the responsibility of the School to conduct any safeguarding checks necessary including a DBS check for appointed Governors.
- 4.8 If following liaison with the nominated candidate, an appointment is not made, the School must inform Trust GS and the nominated candidate. The vacancy remains and will be re-submitted to the next meeting of the Panel.
- 4.9 If the Panel is unable to provide a suitable nomination (following 2 meetings of the Panel) the Governing Board may fill the vacancy itself. After a 4 year term of office (or upon resignation of the Governor) the vacancy will return to the LA. The School must advise Trust GS of the vacancy and submit a [LA Governor Nomination Request Form](#) to Trust GS.

## 5. **EQUALITY AND DIVERSITY**

The **Panel** will be committed to equality, and valuing diversity. The Panel will not tolerate discrimination on grounds of gender, gender identity, marital status, sexual orientation, race, colour, nationality, religion, age, disability – or any other grounds. The Panel will aim to nominate Governors who reflect the diverse communities of Schools in Trafford with the aim of having parity of representation on Governing Boards.

## 6. **KEY POINTS & CONSIDERATIONS**

- 6.1 It is recommended that LA Governors serve on no more than two Governing Boards and serve no more than 2 terms of office at a School.
- 6.2 In the interests of continuity and good relationships with Schools, LA Governors who have shown a commitment to a school will not normally be removed from post.

Where it is necessary to remove an LA Governor the LA may do so by giving written notice of the removal to the Clerk to the Governing Board

and to the Governor concerned. Notice will be authorised by the Lead Member for Education and the Director of Education Standards with advice from Trust GS and/or the Clerk to Governors.



- 6.3 LA Governors must be willing to give appropriate priority within their diary commitments to attend governor meetings, governor training and other school events.
- 6.4 LA Governors must have an ability to work as part of a team with the school's interests at heart as part of the Trafford community.
- 6.5 LA Governors will be invited to attend termly meetings of the **Trafford Governors' Forum** and will be expected to attend **at least one** Forum per academic year.
- 6.6 Complaints arising from this Protocol and implementation of it will be handled by the Director of Education Standards, Trafford Council.

Appendix 1 – LA Governor Application Form

Appendix 2 – LA Governor Nomination Request Form

Appendix 1 – LA Governor Application Form

Appendix 2 – LA Governor Nomination Request Form

## Appendix 1

# LA Governor Application Form



Working together for Trafford

### Contact details:

First Name: .....Surname: .....

*Optional*

Title: ..... Pronouns: .....

Address (including postcode):

Tel:

Email Address:

Employment Status:

Occupation:

Employer Name:

**Relationship/Involvement with Trafford Council** (e.g. Trafford Resident, Business in Trafford, Membership of any Groups/Societies based in Trafford, Employed by Trafford Council, School or Organisation working with Schools)

### Supporting Information and Skills

Why would you like to become a school Governor? (100 words max)

**Specialist knowledge or other professional qualifications (give details below):**

**Experience Level**

Please circle or delete as appropriate:

Governance experience	None / Basic / Moderate / Extensive
School Governance	None / Basic / Moderate / Extensive
Data analysis	None / Basic / Moderate / Extensive
Recruitment & HR	None / Basic / Moderate / Extensive
Chairing meetings	None / Basic / Moderate / Extensive
Monitoring decisions/outcomes/performance	None / Basic / Moderate / Extensive
Financial management &/or monitoring	None / Basic / Moderate / Extensive
Law / Legal expertise	None / Basic / Moderate / Extensive
Safeguarding	None / Basic / Moderate / Extensive
Health & Safety	None / Basic / Moderate / Extensive
Volunteering	None / Basic / Moderate / Extensive



Are you currently or have you previously been a school Governor? Please give details:

Why do you think your skills and experience will make you an effective school Governor?

Do you have children of school age? Yes / No

If so, please give details of any Schools/Academies in Trafford which your children attend

### SCHOOL PREFERENCES

Do you have any preference for the type of School you would like to serve as a Governor e.g. Primary, Secondary, Special School, alternatively state 'no preference'. If there is a particular School you would like to be nominated for you may indicate here.

## REFERENCE

(if you have served as a Governor previously, this should include the Chair of Governors or School Leader)

Name:

Relationship to you:

Address & Postcode:

Email:

## DECLARATION AND SUBMISSION

**Disability:** Do you consider yourself to have a disability, as defined in the Disability Decimation Act 1995?

Yes/ No

Please give details of any accommodations you would require to participate in meetings, if any:

**Ethnic Origin:** (optional):

We take the safeguarding of Trafford children very seriously and therefore we are unable to recommend for appointment as a Governor anyone who does not comply with a request for a Disclosure and Barring Service Check, or whose check raises concerns, or anyone who does not comply with the need for a reference, or whose reference raises concern.

I confirm that I have read the Qualifications and Disqualifications Schedule 4 of the School Governance (Constitution)(England) Regulations 2012 and that I am not disqualified from serving as a School Governor.

I agree to my details being shared with the Nomination Panel and Schools.

Signed:

Dated:

Please email this completed Form to [clerk@trustgs.co.uk](mailto:clerk@trustgs.co.uk)

## **Qualification & Disqualification Criteria**

### **The School Governance (Constitution) (England) Regulations 2012 Schedule 4**

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 or is under 18 years of age.

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.

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.

A person is disqualified from appointment as a local authority governor if the person is eligible to be a staff governor of the school. 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. Upon ceasing to work at the school, a staff governor of a school is disqualified from continuing to hold office as such a governor.

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. This does not apply to ex-officio governors.

A foundation governor, authority governor, co-opted governor or partnership governor who has been disqualified as a governor of a school 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.

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 sequestrated 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.

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).

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 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).

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 for a criminal records certificate.

Where a person is, or is proposed to become, a governor and is disqualified from holding, or from continuing to hold, office as a governor, he/she must give notice of that fact to the clerk to the governing body.



## Appendix 2

# Request LA Governor Nomination Form



Working together for Trafford



You can complete this Form online using the QR code or [Click here to open form](#) or complete below and email to [clerk@trustgs.co.uk](mailto:clerk@trustgs.co.uk)

### Contact Details

School/Governing Board:

Date LA Vacancy became available  
(end of term of office/resignation date):

### Nomination & Skills criteria

Please indicate whether you request

1. Re-nomination of incumbent LA Governor YES / NO
2. New nomination YES / NO

Please specify any preferred **skills criteria** for nominees:

### Contact / Form Completed by:

Please email this Request to [Clerk@trustgs.co.uk](mailto:Clerk@trustgs.co.uk) as soon as possible and no later than the first Friday of the next School term if you wish to receive a nomination from the next meeting of the **LA Governor Nomination Panel**.