

Item No. 3.2	Classification: Open	Date: 22 February 2017	Meeting Name: Council Assembly
Report title:		Constitutional Changes 2016/2017 including Voluntary Bodies Appointments Panel (appointments to secondary and special school governing bodies)	
Ward(s) or groups affected:		All	
From:		Constitutional Steering Panel	

That council assembly considers the recommendations of the constitutional steering panel in respect of the proposals set out in this report.

RECOMMENDATIONS

1. That the proposed changes to the constitution be agreed (see Appendix 1).

Consequential changes

2. That the proper constitutional officer be authorised to make any necessary consequential changes to the constitution as a result of the above.

BACKGROUND INFORMATION

3. In accordance with Article 1.5 of the constitution, any changes to the constitution are considered by constitutional steering panel, which then recommends changes to council assembly. Changes to the constitution are generally agreed by council assembly, unless another body or individual is authorised to do so – see Article 1.5(b). Changes to the role and functions of ordinary committees and procedure rules are reserved to council assembly. The constitutional steering panel considered the proposals and agreed to recommend the changes contained within this report to council assembly.

Changes to the constitution are shown as follows:

- Additions (shown as underlined)
- Deletions (shown with a ~~strikethrough~~)

KEY ISSUES FOR CONSIDERATION

4. This report outlines several constitutional changes that are required to the constitution. The constitutional steering panel is requested to consider the suggested changes to the constitution and recommend them to council assembly.

Voluntary Bodies Appointments Panel - appointments to secondary and special school governing bodies

5. The making of recommendations on local education authority appointments to secondary and special school governing bodies is currently reserved to the Voluntary Bodies Appointments Panel.

6. The Director of Education submitted a report to the Voluntary Bodies Appointments Panel in December 2016. The report outlined the current position in respect of the council's role in connection with the appointment of local authority school governors with a view to recommending a change to the process relating to the appointment of local authority governor positions to secondary and special school governing bodies.

Reasons for proposing a change to the process

7. Changes to the 'Constitution of governing bodies of maintained schools: statutory guidance' have limited the number of local authority governor places to one per school. Most secondary and special schools would have had between two and four local authority governors. This has reduced the number of local authority governor positions from around 80 to 27.
8. Also, since 2012, 14 of the 17 Secondary schools in Southwark have become academies. Academies have a greater freedom around their governance arrangements, with almost no restraints on how their governing bodies are constituted. Only 6 of the 14 secondary school academies have retained a local authority governor post. Alongside the 3 maintained secondary schools and 10 special schools, this has reduced the overall number of local authority governor posts to 19.
9. The process of appointing local authority governors has also changed. The role of the local authority is no longer to appoint but to merely nominate local authority governors, with the governing body making the decision to appoint (or not).
10. The process for local authority nominations to primary schools was updated as a result of the changes to the statutory guidance which involves liaison between the school, director of education and the council's school governor services team. In order to ensure that the local authority remains compliant it is proposed that the nominations process to secondary and special schools is brought in line with the process for primary schools. This would streamline the process by removing the requirement to convene a meeting of the voluntary bodies appointments panel and would enable nominations to be approved by e-mail which is more expeditious.
11. In order to retain an element of elected member oversight, it is proposed that both the director of education and the cabinet member for children and schools unanimously approve nominations. Currently the director of education approves the nominations to secondary and special schools following recommendation from the voluntary bodies appointments panel.
12. The proposed revised process for Authority governor vacancies in all schools is set out below:
 - School Governors' One Stop Shop (SGOSS) sends application forms to the Head of Governor Services, who holds a record of all applicants, including name, date form received, postcode of home address, occupation, and any special requests;
 - The Head of Governor Services liaises with the Chair and Headteacher to assess what skills the governing body requires, and sends them an application form to consider;
 - If the Chair and Headteacher wishes to meet the applicant, the Head of Governor Services contacts them to find out if they would like to join the

governing body, and if so facilitates them meeting the Chair and Headteacher;

- Once the Chair and Headteacher have met with the applicant and are satisfied that they met the requirements of the governing body, they inform the Head of Governor Services;
- The Head of Governor Services checks with the school's Senior Advisor and the Head of 0-19 Standards that they are happy for the application form to be sent to the Director of Education for approval;
- The Head of Governor Services e-mails the application form to the Director of Education and the Cabinet Member for Children and Schools, notifying them that the Chair and Headteacher, the school's Senior Advisor and the Head of 0-19 Standards approve of the nominee;
- The Director of Education in consultation with the Cabinet Member for Children and Schools approves the nomination and the Head of Governor Services informs the Chair and Headteacher of this decision;
- The governing body makes the decision to appoint the Authority governor at the next available governing body meeting.

13. The Voluntary Bodies Appointments Panel supports the proposal.

Community impact statement

14. The proposals in this report provide additional benefits to the public and the local community and enhance the council's commitment to diversity and fairness.

Resource implications

15. The financial implications within this report seek to have a positive impact on improving the outcomes and delivery of value for money.

16. The constitution is published on the council's website and is available for viewing online. Limited numbers of the constitution are produced in binder form with loose leaf pages and dividers. This means that any additional costs arising from the reproduction of small sections of the constitution are reduced compared to the reprinting of the whole constitution. It is anticipated that the cost can be contained within existing budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Southwark Constitution	160 Tooley Street London SE1 5LX	Constitutional Team 020 7525 7228

APPENDICES

No.	Title
Appendix 1	Schedule of constitutional changes

AUDIT TRAIL

Lead Officer	Norman Coombe, Head of Corporate Team, Legal Chidilim Agada, Constitutional Manager (Acting)		
Report Author	Virginia Wynn-Jones, Principal Constitutional Officer		
Version	Final		
Dated	February 2017		
Key Decision?	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title	Comments sought	Comments included	
Director of Law and Democracy	Yes	Yes (included in the body of the report)	
Strategic Director of Finance and Governance	No	Not applicable	
Date final report sent to Constitutional Team			