



## Report of the Presiding Member, Monitoring Officer & Head of Democratic Services

Council – 26 October 2017

### Amendments to the Constitution

<b>Purpose:</b>	To make amendments in order to simplify, improve and / or add to the Council Constitution. A decision of Council is required to change the Council Constitution.
<b>Policy Framework:</b>	None.
<b>Consultation:</b>	Access to Service, Finance, Legal. Chair and Vice Chair of LA Governor Panel and other Panel members.
<b>Recommendation(s):</b>	It is recommended that:  1) The changes to the Council Constitution as outlined in Paragraph 3.5 of the report together with any further consequential changes be adopted.
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<b>Finance Officer:</b>	Ben Smith
<b>Legal Officer:</b>	Stephanie Williams
<b>Access to Services Officer:</b>	N/A

#### 1. Introduction

1.1 In compliance with the Local Government Act 2000, the City and County of Swansea has adopted a Council Constitution. A number of issues have arisen since adoption and in order to maintain the aims, principles and procedures set out in Articles 1 and 15 of the Council Constitution, it is proposed that the amendments set out below should be made to the Constitution.

#### 2. Delegated Minor Corrections to the Council Constitution

2.1 There are no delegated minor corrections to the Council Constitution.

### 3. Amendments to the Council Constitution

3.1 This report outlines suggested amendments to the Council Constitution. The amendments are within the following area of the Council Constitution:

a) Part 3 “Responsibility for Functions – Terms of Reference”.  
“2.4.4 Local Authority (LA) Governor Panel” **Currently states:**

1. *The Panel will be chaired by the Independent Chair - the Chair or Vice Chair of the Swansea Association of Governing Bodies - and will have a casting vote in the event of a tie. The quorum will be three and the Independent Chair will not count towards the quorum.*
2. *The Panel will meet on a regular basis and on pre agreed dates to consider any applications and make recommendations to Cabinet for filling LA vacancies on Governing Bodies.*
3. *The Panel will use the following criteria in considering applications:*
  - a. *Firstly the Elected Member(s) representing ward(s) in the catchment area of the relevant school;*
  - b. *Secondly, if the Elected Members representing ward(s) in the catchment area of the relevant school do not express an interest, the vacancy be offered to other elected Members of the LA;*
  - c. *Following application of the above criteria, vacancies be offered to persons who, in the opinion of the Panel, would be suitable to the role of governor and who would contribute effectively to the school in terms of skills and experience.*
4. *In each of the above categories whenever there are more candidates than vacancies, LA representatives will be appointed on the basis of whom, in the opinion of the Panel, will make the most effective contribution to the management of the school concerned.*
5. *The Panel will receive, discuss and determine any representations made to them whenever they make any change to representation on a particular Governing Body.*
6. *The Panel will hear any request made to them to remove an LA Governor in Accordance with Regulation 27 of the Education (School Government) (Wales) Regulations 2005 and make a recommendation to Cabinet for approval.*
7. *The Panel will encourage all newly appointed Governors to undertake training to prepare them for their role.*

8. *Applications must be submitted no later than 7 working days before the date of the Panel and late applications will only be considered at the discretion of the Chair.*
- 3.2 It is proposed that in future Swansea school governing bodies will be required to complete a skills matrix whenever a governor vacancy on the governing body occurs.
- 3.3 The reason for this is to align more closely with the Welsh Government School Governance Regulatory Framework that has recently been the subject of a public consultation. Governing bodies will be expected to undertake a skills audit to identify any skills gaps and all governor appointments should be made on that basis wherever possible.
- 3.4 In order to encourage schools to adopt the process of completing a skills matrix the Local Authority intends to take a lead on this process through the future appointment of Local Authority governors. Thus for future appointment of Local Authority governors, governing bodies will be required to complete a skills matrix to accompany any local authority governor application that is being made.
- 3.5 It is therefore proposed that Part 3 “Responsibility for Functions - Terms of Reference”. 2.4.4 Local Authority (LA) Governor Panel:
- a) **Be removed** from Part 3 “Responsibility for Functions - Terms of Reference”;
  - b) **Be renamed** the Local Authority (LA) Governor Appointments Procedure and added to Part 4 “Rules of Procedure” of the Council Constitution;
  - c) **Be redrafted** as follows:
    - 1. *All Local Authority Governor Appointments shall be made by Cabinet following a recommendation from the Chief Education Officer in conjunction with the Cabinet Member for Children, Education and Lifelong Learning.*
    - 2. *The Chief Education Officer in conjunction with the Cabinet Member for Children, Education and Lifelong Learning will consider any applications in line with the governing body skills matrix alongside each individual governor application which will include a brief description by the applicant about the experience and knowledge they can offer the governing body.*
    - 3. *The Local Authority Governor Application Form will be amended to include opportunity for applicants to include details (up to 300 words) of experience, knowledge and skills to demonstrate how their appointment will help address any skill gap identified within the school governing body skill matrix.*

4. *The Chief Education Officer and Cabinet Member will make recommendation on the appointment of the governor who is deemed to have the most appropriate skills and expertise to support and challenge the governing body, and make recommendations to Cabinet for filling LA vacancies on Governing Bodies.*
5. *The Councillor(s) representing the ward(s) in the catchment area of the schools' views will be sought to input into the decision-making.*
6. *The following criteria shall be used in considering applications:*
  - a. *Firstly the Councillor(s) representing ward(s) in the catchment area of the relevant school if they meet the skills criteria provided by the school;*
  - b. *Secondly, if the Councillors(s) representing ward(s) in the catchment area of the relevant school do not express an interest, the vacancy be offered to other Councillors of the Local Authority if they meet the skills criteria provided by the school;*
  - c. *Following application of the above criteria, vacancies be offered to persons who, in the opinion of the Chief Education Officer in conjunction with the Cabinet Member for Children, Education and Lifelong Learning, would be suitable to the role of governor and who would contribute effectively to the school in terms of skills and experience in meeting the skills criteria provided by the school.*
7. *In each of the above categories whenever there are more candidates than vacancies, Local Authority representatives will be recommended to Cabinet on the basis of whom, in the opinion of the Chief Education Officer in conjunction with the Cabinet Member for Children, Education and Lifelong Learning, will make the most effective contribution to the management of the school concerned as provided for in the skills criteria provided by the school.*
8. *The Chief Education Officer in conjunction with the Cabinet Member for Children, Education and Lifelong Learning, shall receive, discuss and determine any representations made to them whenever they make any change to representation on a particular Governing Body.*
9. *The Chief Education Officer in conjunction with the Cabinet Member for Children, Education and Lifelong Learning, shall hear any request made to them to remove an LA Governor in Accordance with Regulation 27 of the Education (School Government) (Wales) Regulations 2005 and make a recommendation to Cabinet for approval.*

10. *The Chief Education Officer in conjunction with the Cabinet Member for Children, Education and Lifelong Learning, will expect all newly appointed Governors to undertake mandatory governor training in accordance with Welsh Government requirements within a year of them taking up the position in order to prepare them for their role and improve understanding of their responsibility to both challenge and support the school and Head teacher.*
11. *Applications must be submitted no later than 7 clear working days before the date of the Chief Education Officer in conjunction with the Cabinet Member for Children, Education and Lifelong Learning meeting / discussion and late applications will only be considered at their discretion.*

#### **4. Equality and Engagement Implications**

- 4.1 An Equality Impact Assessment (EIA) screening process took place prior to the consultation period. The outcome indicated that it was low priority and a full report was not required.

#### **5. Financial Implications**

- 5.1 There are no financial implication associated with this report.

#### **6. Legal Implications**

- 6.1 Under the Government of Maintained Schools (Wales) Regulations 2005 Local Education Authority (LEA) Governors are appointed by Local Authorities. Local Authorities can appoint any eligible person as an LEA governor. Each individual LA decides on the process and criteria required for the appointment and removal of LEA governors.
- 6.2 The Welsh Government are currently consulting on proposals to revise and consolidate the school governance Regulatory framework. One of the new requirements is that Local Authorities when appointing LEA governors must be of the opinion that the prospective governor fulfils the skills criteria from the skills audit put forward by the school.
- 6.3 The amended version of the Council Constitution will be available at [www.swansea.gov.uk/constitution](http://www.swansea.gov.uk/constitution)

**Background Papers:** None.

**Appendices:** None.