



Guidance on the appointment of:

Local Authority and Co-opted (previously Community) Governors

Where there is a vacancy for a position of a Local Authority or Co-opted Governor [note: under the 2014 Governance Regulations the office of 'Community governor' is replaced with 'Co-opted governor'] the law requires the governing body to fill the vacancy as soon as is practicably possible.

Local Authority Governors:

Local Authority Governors only apply to Maintained or Voluntary Aided schools **not** to academies.

Appointment: The Local Authority is the appointing body.

The process is that that school should inform the Local Authority that they have a vacancy for a Local Authority governor and based on their most recent skills audit provide the Local Authority with an assessment of the skills and experience that they require in the person filling the vacancy. This required skill set needs to be flexible enough to allow for it to be realistic to be able to find a match.

Whilst the Local Authority is the appointing body it cannot 'impose' an appointment on a governing body. The Local Authority can nominate a candidate but the governor body has to accept the nomination and can refuse to do so if they consider that the nominee would not meet the needs of the school. It would also be appropriate for the school to discuss with the Local Authority any other concerns they may have over whether the appointment would be suitable for instance if the candidate were to be closely related to an employee or another governor at the school (see 'eligibility' below).

Often the Local Authority is unable to offer any candidates to fill vacant Local Authority governor positions and it is becoming increasingly common for schools to put forward their own nominations to the Local Authority. There is nothing wrong with this but again it is important that the governing body have regard to the most recent skills audit and ensure that the skills and experience of the nominee as far as possible meet the future needs of the governing body.

Eligibility: In a Catholic school Foundation Governors must be Catholic however, no such restriction applies to the position of Local Authority/Co-opted governor.

Similarly whilst there are separate positions on the governing body for parent governors (i.e. individuals with children attending the school) there is nothing to prevent a parent filling the position of Local Authority/Co-opted governor. That said the governing body would need to be mindful that the overall balance of the governing body does not become too heavily weighted towards parents.

It is also pertinent to consider whether the candidate is related to another serving governor or an employee of the school. It would not be appropriate to appoint if they are closely related by marriage or birth to another governor and nor would it be appropriate to appoint if they are closely related to an employee of the school who holds a senior position in the school, either in a leadership, finance or HR capacity.

A person is disqualified from being a Local Authority governor if they are eligible to be a staff governor at the school.

Delegation: The governing body may delegate liaison with the Local Authority over the appointment to either the Headteacher or the Clerk but ultimately the decision to accept the appointment must rest with the governing body and be recorded at a meeting of the governing body.

Failure to fill the vacancy: Whilst the onus is on the Local Authority to ensure that the vacancy is filled as soon as possible it can often be difficult to source suitable candidates (see above). It however remains the responsibility of both the Local Authority and the school governing body to make reasonable regular attempts to fill the vacancy. This may include regularly advertising governor vacancies on the website, in newsletters to the parent body or in parish newsletters.



Term of office: The term of office for a Local Authority governor is 4 years. Nottingham Diocese operates a policy of governors in any category serving for a maximum of 3 consecutive terms of office at the same school. This applies even if the governor switches to another category of governor during that time.

In cases of re-appointment of the Local Authority governor - the Local Authority should take into account the views of the governing body on the effectiveness of the governor before re-appointing.

Removal from office: Removal from office can only be undertaken **by the Local Authority**.

The governing body can make a submission to the Local Authority asking them to consider removal from office if the conduct of the Local Authority governor has fallen significantly short of that expected of a governor at the school.

Suspension: The governors' Code of Conduct applies to all categories of governor. In cases of breaches of the governors' Code of Conduct the governing body can suspend a governor for a period of up to 6 months.

Co-opted Governors:

For academies there can be a requirement for them to have at least one 'Community/Co-opted' Governor or it may be optional. This will be set down in their Articles of Association. The academy's Company Secretary will advise on whether it is a requirement or optional for that academy.

For Voluntary Aided schools in the Diocese of Nottingham the Instruments of Governance that came into force on 1st September 2015 will specify whether you must have a Co-opted Governor on your governing body. The school should have a copy of the Instrument but if in doubt please check with the NRCDES. A school cannot have a Co-opted Governor if its Instrument of Governance does not specify one.

Appointment: Co-opted governors are appointed by the governing body.

They are people who in the opinion of the governing body have the skills required to contribute to the effective governance and success of the school.

The governing body must therefore meet to consider the suitability of the candidate before making the appointment and this must be recorded.

An academy governing body (if they are within a Catholic Academy Trust) must also consult with their Trust Board prior to finalising an appointment.

Eligibility: The same criteria apply as for Local Authority governors.

NB: The number of Co-opted governors who are eligible to be elected or appointed as staff governors must not (when added to the one staff governor and the headteacher) exceed one-third of the total membership of the board.

Term of office: The term of office for a Co-opted governor is 4 years. Nottingham Diocese operates a policy of governors in any category serving for a maximum of 3 consecutive terms of office at the same school. This applies even if the governor switches to another category of governor during that time.

Removal from office: Removal from office can only be undertaken **by the appointing body**.

Suspension: The governors' Code of Conduct applies to all categories of governor. In cases of breaches of the governors' Code of Conduct the governing body can suspend a governor for a period of up to 6 months.

If further guidance is required please contact the NRCDES.