

**CORPORATE AFFAIRS COMMITTEE**

A meeting of the Corporate Affairs Committee was held on 19 July 2012.

**PRESENT:** Councillors Clark (Chair), Biswas (as substitute for Brunton), Hawthorne, McIntyre, McPartland, Mrs H Pearson OBE and P Purvis

**OFFICERS:** M Braithwaite, S Harker and J White.

**APOLOGIES FOR ABSENCE** were submitted on behalf of Councillor Brunton.

**DECLARATIONS OF INTERESTS**

No Declarations of Interest were made at this point of the meeting.

**12/6 MINUTES - CORPORATE AFFAIRS COMMITTEE - 22 JUNE 2012**

The Minutes of the meeting held on 22 June 2012 were taken as read and approved as a true record subject to the following amendment:

Page 4, paragraph 2

replace:

"Any school changing to academy status would have to reconstitute its Governing Body and the new School Governance Regulations would apply".

with:

"Any school changing to academy status would become a company limited by guarantee and would be constituted under Articles of Association."

**12/7 APPOINTMENT OF INDEPENDENT PERSONS TO STANDARDS COMMITTEE**

A report of the Director of Legal and Democratic Services was presented to request Members to agree the appointment of three Standards Independent Persons for a period of up to two years.

The previous Standards regime was abolished by the Localism Act 2012 and new requirements came into effect on 1 July 2012. Under previous legislation the Council was required to appoint Independent Persons and Chairs to the Standards Committee and the various sub-committees that dealt with breaches of the Code of Conduct. However, the Localism Act did not allow Independent Chairs of Standards Committees, or Independent Members with voting rights.

The Localism Act required that the Council had at least one Independent Person to act in respect of allegations of breaches of the new Members' Code of Conduct. In future, when the Council received a complaint relating to the conduct of an Elected Member, the first stage would be for the Monitoring Officer and the Independent Person to consider whether an investigation should be undertaken. The Independent Person would also be available to advise Members if required.

The Localism Act ruled out the appointment of existing Standards Independent Members being appointed to act as the new Independent Persons. The Council advertised for Independent Persons and received only one application and this was received after the closing date.

It was apparent that other Local Authorities had experienced similar recruitment difficulties and therefore, following representations from the Local Government Association, transitional arrangements were put in place to allow Councils to appoint persons who had previously been an Independent Chair or member of the Council's Standards Committee, as an Independent

Person.

Unfortunately it appeared that the transitional regulations had been mis-drafted and the Government was now considering further amending the legislation. As the legislation stood currently, previous Independent Members or Chairs of Standards Committees could be re-appointed to serve as Independent Persons as a transitional, interim measure.

The three previous Independent Chairs had submitted applications to serve as interim Independent Persons and all had a sound understanding of the principles and operation of codes of practice and standards of conduct.

**ORDERED** that Chris Nestor, Joanne Kidd and Brian Footitt be appointed as Independent Persons for a period of up to two years.

12/8

### **NEW ARRANGEMENTS FOR THE CONSTITUTION OF GOVERNING BODIES FROM SEPTEMBER 2012**

The Governor Development Service Manager presented a report to inform Members of the implications of the School Governance (Constitution) (England) Regulations 2007 and 2012 and the appointment of Local Authority Associated Persons (LAAP) to an Academy Governing Body.

The constitution of Governing Bodies of schools maintained by the Local Authority was currently determined by the School Governance (Constitution) (England) Regulations 2007. The 2007 Regulations were very prescriptive about the size and make-up of Governing Bodies.

The draft School Governance (Constitution) (England) Regulations 2012 were laid before Parliament on 19 April 2012 and would come into force on 1 September 2012. The 2012 Regulations were much less prescriptive and allowed Governing Bodies greater flexibility to alter their size and composition. If a Governing Body wished to alter any aspect of the current Instrument of Government they would have to reconstitute under the 2012 Regulations. A brief summary of the 2012 Regulations was attached at Appendix 1 to the submitted report.

Under the 2012 School Governance (Constitution) (England) Regulations Governing Bodies were now only required to have a minimum of one Local Authority (LA) Governor and could set any eligibility criteria they wished when making an LA appointment. Therefore in future the Corporate Affairs Committee would nominate LA Governors, but it would be the Governing Body's decision whether or not to appoint the person or persons nominated. To date, the Department For Education (DFE) had not published any guidance on eligibility criteria, leaving such decisions for individual Governing Bodies. Local Authorities would therefore need two systems to run in parallel when dealing with the appointment of LA Governors. A copy of Middlesbrough Council's Protocol for the Appointment, Re-Appointment of Local Authority Governors was attached at Appendix 2 to the submitted report.

Both the 2007 and 2012 School Governance (Constitution) (England) regulations did not apply to academies. The Academy governance model was set out in individual Academies' Articles of Association and approved by the Secretary of State. Academy Trust Members appointed the Governing Body and decided whether or not to include an LA Governor as part of the membership. If it was agreed to appoint an LA Governor, it would be the Local Authority that would make the appointment.

Procedures for the approval of a Local Authority Associated Person (LAAP) to be appointed to the Governing Body of an Academy and the restrictions on LAAPs were outlined in Appendix 3 to the submitted report.

**ORDERED** that:

1. Members noted the new arrangements within the School Governance (Amendment) (England) Regulations 2012 for the constitution of Governing Bodies.

2. Amendments to the Protocol for the Appointment, Re-Appointment of LA Governors and the Procedures for the Removal of LA Governors, attached at Appendix 2 to the submitted report, were approved and adopted.

3. The Procedures for the approval of a Local Authority Associated Person (LAAP) to an Academy, attached at Appendix 3 to the submitted report, were approved and adopted.