

Briefing Note

Summer Term 2015

From: Governor Support Unit

To: Maintained School Governing Bodies

The School Governance (Miscellaneous Amendments) (England) Regulations 2015 and DfE Statutory Guidance on Publication of Governor's Details and the Register of Interests

1. Introduction

The Department for Education published the Regulations and an amendment to the Statutory Guidance for Maintained Schools in March 2015 shortly before the purdah deadline for the General Election. This briefing note covers only the changes that impact on governing bodies and schools currently operating and are a summary of these changes. The full text can be obtained by following the links at the end of the briefing note.

2. The School Governance (Miscellaneous Amendments) (England) Regulations 2015

The above named Regulations make changes to a whole host of existing regulations and bring them all into line to ensure consistency and that they do not conflict with the requirements of the revised constitution arrangements that will be in place for all maintained schools from 1 September 2015. There are two changes to Regulations that impact on current governing body practices;

- a) Staffing Regulations 2009
- b) The School Governance (Constitution) (England) Regulations 2012

2.1 Staffing Regulations 2009

Regulation 5 of the Misc. Amendment Regulations 2015 amends Regulation 4 of the Staffing Regulations such that associate members “**may**” be appointed to committees established under such Regulations and be treated as any other governor would be.

This means therefore that when looking at appropriate skills to serve on selection panels for the appointment of a headteacher or deputy headteacher these can now include associate members and not just governors. In addition, any grievance, dismissal or appeal panel can also now include associate members.

2.2 The School Governance (Constitution) (England) Regulations 2012

Regulation 7 of the Misc. Amendment Regulations amends Regulation 18 of the Constitution Regulations such that for future governor appointments made after 1 September 2015 the governing body can decide a shorter term of office both for a category of governor provided that it remains between one and four years and can also determine for an individual governor within a category to have a shorter term than the standard four years.

The effect of this change is that it gives back the flexibility of appointing to a category of governor for between one and four years but introduces greater flexibility within a category as well.

Any decision around lengths of term of office would be made in advance of an appointment being made and would need to be written in to the Instrument of Government.

3. DfE Statutory Guidance on Publication of Governor's Details and the Register of Interests

The DfE Statutory Guidance acknowledges that governors hold an important public office and that their identity should therefore be known to their school and wider communities. The guidance has been amended to state that governing bodies should publish on their website information about their members. The information they should publish should, as a minimum include for each governor:

- their name;
- their category of governor;
- which body appoints them;
- their term of office;
- the names of any committees the governor serves on; and
- details of any positions of responsibility such as chair or vice-chair of the governing body or a committee of the governing body.

Governing bodies should also publish this information for associate members, making clear whether they have voting rights on any of the committees they serve on.

Although this is not a statutory requirement, i.e. **must publish**, Ofsted will expect to see this information on your school website when you are next inspected and therefore we would advise that you do publish such information.

In addition, from 1 September 2015, governing bodies will be under a duty to publish on their website their register of interests. The register should set out the relevant business interests of governors and details of any other educational establishments they govern. The register should also set out any relationships between governors and members of the school staff including spouses, partners and relatives.

Governing bodies should make it clear in their code of conduct that this information will be published on their governors and, where applicable, their associate members.

Any governor failing to reveal information to enable the governing body to fulfil their responsibilities may be in breach of the code of conduct and as a result be bringing the governing body into disrepute. In such cases the governing body should consider suspending the governor.

Governors are already required to complete a declaration of business interest form on an annual basis and the appendix to this briefing note provides an amended version for the required information to be collected from all governors and associate members together with a summary that can be used for publishing on your school website.

4. Further Advice

For school specific advice your clerk to the governors and for more general advice the governor support manager

Web links:

Statutory Guidance:

<https://www.gov.uk/government/publications/constitution-of-governing-bodies-of-maintained-schools>

Misc. Amendment Regulations 2015:

<http://www.legislation.gov.uk/ukxi/2015/883/contents/made>

Acknowledgement – With thanks to Coventry City Council

Declaration of Business and Other Interests

SCHOOL

The purpose of this declaration is to provide protection for individuals involved in purchasing goods or services from the school budget.

The declaration should be completed in ink, updated every year and signed by:

- The Headteacher;
- any member of staff involved with purchasing; and
- all members of the Governing Body.

Name: _____

Position: _____

Business Interests: Please tick the relevant box.

I, and members of my immediate family have no financial or personal interests, such as a relationship with a local supplier, which could be perceived as an unfair influence on the decision making process relating to official school purchases.

I declare the following business interests on behalf of myself and my immediate family, and undertake to exclude myself from the decision making process relating to official school purchases in these areas:

Name & relationship
to me

Organisation

Nature of business

Nature of interest

Other Interests: Please indicate any other connections or responsibilities

Committee Membership _____

Chair or Vice Chair _____

Committee Chair _____

Connections to Members of Staff _____

School Governor in another School (name of school) _____

I undertake to inform the Headteacher of any changes that will affect the above declaration.

Signature: _____

Date: _____

NB: This form is to be returned to the school. It is retained in school for audit purposes.

Summary for Publication on school website.

Governor Name	Type of Governor	Chair (CH) or Vice Chair (VC)	Committee Chair	Performance and Standards Committee Member	Resource Management Committee Member	Connections to Staff Yes or No If Yes, who and how.	Term of Office End Date	Other School Governor Posts held. Name of school and governor type	Business Interests declared. Yes of No If yes please state

Legend:

LA – Local Authority appointed (recommended) by Stoke on Trent City Council

PG – Parent Governor, elected by parents at the school

STF – Staff governor elected by staff at the school

FOU – Foundation Governor, appointed by Diocesan Education Service, Diocesan Board of Education, Foundation Trust*

*** delete as required**

CG – Co-opted Governor, appointed by the governing body