

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Children, Young People and Education Cabinet Board

26th January, 2016

Report of the Head of Transformation – Andrew Thomas

Matter for decision

Wards Affected: All

NPT DRAFT RESPONSE TO THE WELSH GOVERNMENT CONSULTATION DOCUMENT 'REFORM OF SCHOOL GOVERNANCE: REGULATORY FRAMEWORK'

Purpose of the Report

1. To seek Members views regarding a draft response (attached) to the above consultation prior to submission as a final response to Welsh Government.

Background

2. Welsh Government are currently consulting over proposals to revise and update a number of Regulations surrounding school governance and the work and constitution of governing bodies.
3. The current set of Regulations have, with some modification and updating, by in large been in operation since the late 1980s when Local Management of Schools (LMS) and the creation of governing bodies were first introduced. The proposals contained within the current consultation document are the most far reaching since then.
4. The consultation document is 52 pages in length containing some 81 questions for consideration.

5. This is a public consultation and open to any interested party to respond to by the closing date of 17th February, 2017. All Neath Port Talbot Schools have been encouraged to consider the proposals and submit a response as they feel appropriate. Given the size of the consultation document, officers produced a summarised briefing paper of the main aspects of the proposals to assist schools and all chairs and vice-chairs of governing bodies have been briefed at the autumn term meeting with the Director of Education and Senior Management Team and again encouraged governing bodies to submit individual responses. Officers will also be attending an all Wales consultation event for Governor Support Officers with Welsh Government officials who drafted the proposals in order to provide a joint local authority response.
6. Neath Port Talbot officers and the education senior management team have considered the consultation document in its entirety and have drafted a response to each question asked by Welsh Government for Members views and consideration prior to a final response being prepared for submission on behalf of the Council. A copy of the draft response is enclosed with this report as Appendix A with individual responses highlighted in red.

Consultation Response

7. Whilst Members' views are sought on any of the responses prepared by officers contained with Appendix A; for ease of reference highlighted below are the areas of significant change that have been identified from the consultation document together with a proposed response:

Q1 asks whether there is agreement with the proposal to introduce skilled governing bodies. Officers recommend agreement to this proposal given the significant responsibility that is now placed upon governing bodies in terms of school improvement, raising standards, finance and HR matters to name a few. Having skilled or experienced governors in these fields can only add value to the contribution of the whole governing body.

Q5 relates to the proposal to separate parent governors into two categories of elected and appointed parent governors. The proposal is that elected parents should not outnumber appointed governors. Officers recommend that the Council disagrees with this and that the proposal should be the other way around in that appointed parents should not outnumber elected parents on the basis of democracy.

Q7 proposes to amalgamate the category of teacher and staff (non-teaching) governor into one category and for all school staff to vote jointly on nominations. Officers recommend that the Council disagrees with this proposal as the two categories represent very different groups of employees and should remain distinct. It is acknowledged that the proposals will allow for more than one governor within this category, however, an election held amongst school staff might result in the outcome of two employees of the same category being elected rather than one from each.

Q8 proposes to restrict the number of LA governors to just one per governing body. Officers recommend that the Council disagrees with this proposal as the LA has an important role to play in school improvement and this includes the appointment of suitably experienced LA governors who, in the opinion of the LA, will contribute the most to the school.

Q18 asks whether the proposed minimum size for governing body membership is supported. If implemented the minimum number of governors (excluding the Headteacher) could be as low as six. Whilst the proposals allow for governing bodies to set their own minimum and maximum numbers it is not conceivable how or why any governing body could operate with such a low number, therefore, officers recommend that the Council disagrees with this proposal.

Q21 & Q22 seeks views on the process involved in removing governors at times where there are too many on a particular governing body. This circumstance would occur if and when the introduction of these the new Regulations were to be introduced. There would be a requirement to remove large numbers of both LA and community governors if the proposal contained within the consultation document are implemented. The proposed method of reducing surplus governors will involve individual governing bodies conducting rounds of voting in respect of each category of governorship following discussions and consideration of the skills that individuals are able to offer the governing body. Officers recommend that the Council disagrees with this proposal given that governors provide their time voluntary within their local community, and the process of conducting discussions and voting one (or many) of their number off the governing body who may have given many years of dedicated service is disrespectful and degrading.

Q24 asks whether governors should be permitted to sit on an unlimited number of governing bodies in place of two being the maximum limit

currently. Officers recommend that a maximum limit should be retained, however, raised to three or four governing bodies at most.

Q30 seeks support for the proposal to elect chairs and vice chairs for individual terms of office of up to four years at a time. Officers recommend that the Council disagrees with this proposal as the annual election of chair and vice is a simple process that is not overly bureaucratic and generally takes a matter of minutes at the annual general meeting.

Q55 & Q57 proposes to include an independent person and for the Chief Education Officer to be included on all Headteacher/Deputy Headteacher appointment panels and both to be provided with an equal right to vote. Officers recommend that the Council agrees with both proposals as i) the Chief Education Officer is currently offered to attend such appointments and provided with a vote at most schools in Neath Port Talbot already, and ii) the appointment of a Headteacher and Deputy Headteacher at a school is the most important appointment that can be made within a school and appointment panels should welcome input from skilled professionals in this area.

Q72 seeks support that the proposals to place a focus on skilled governors and changing constitutional requirements will not be a cost to governing bodies. Officers recommend that whilst the Council should support a focus on skilled governors the Regulatory changes proposed to governing body constitutions will have a consequential impact on every governing body throughout Wales. It will be rural and remote schools where these proposals will have the most significant impact as they will find it particularly difficult in identifying and attracting the skilled, professional and independent governors proposed throughout the consultation document. Officers are therefore recommending that the Council disagrees with this proposal on account of the difficulties constitutional change is expected to cause in terms of time, effort and cost.

Q81 asks for any other comments to the consultation document. It is the opinion of officers that Headteachers should not be a full voting members of a governing body. There should be a requirement for Headteachers to attend meetings as an ex-officio officer and to provide regular updates and reports to governors and of course be subject to scrutiny, however, the decision-making process should be that of governors alone. This is the system that operates in the majority of other public service organisations where the role of the Headteacher is analogous to that of a chief executive or director and where that head of the organisation is required to report to their board or committee as

a paid official without voting on their own recommendations or proposals. Officers recommend that this proposal be included as part of the response to the consultation document.

Financial Impact

8. Whilst there will be a financial impact associated with the implementation of the new Regulations if approved by Welsh Government, there is no financial impact associated with this particular report.

Equality Impact Assessment

9. Having considered the Council's screening assessment guidance produced to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010 it has been determined that this report does not require an equalities impact assessment.

Workforce Impacts

10. There are no workforce or staffing issues directly associated with this report.

Legal Impacts

11. There is no legal impact associated with this report.

Risk Management

12. There is no risk associated with this report.

Consultation

13. There is no requirement under the Constitution for external consultation on this item.

Recommendations

That Members consider the draft response prepared by Officers as detailed in Appendix A to this report and approve for submission to the Welsh Government.

Reason for Proposed Decision

To enable the Council to submit a formal response to the Welsh Government consultation document 'Reform of School Governance: Regulatory Framework'.

Implementation of Decision

14. The decision is proposed for implementation after the three day call in period.

Appendices

15. Appendix A: NPT Draft Response to the Welsh Government Consultation Document: Reform of school governance regulatory framework.

List of Background Papers

16. None.

Officer Contact

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