**Hackney LA Governor (Re)-nomination Form**

1. **Legal context**

The School Governance Constitution (England) Regulations 2012 (the Constitution Regulations) require that for each maintained school the Governing Board has one Local Authority Governor (LA Governor). LA Governors are nominated by the Local Authority and appointed by the Governing Board. The Governing Board must have clear eligibility criteria for a vacant LA Governor position. These must include the credentials and skills candidates should possess. The Local Authority nominates a suitable candidate. This may be a person whom the Governing Body have suggested as possibly suitable or, on occasion, someone the Local Authority have identified and checked as suitable. The Governing Board then decides if the nominated candidate meets the specified criteria and is eligible to be an LA Governor. If they consider that they do, the Governing Board appoints the nominee as LA Governor. If the Governing Board decides that a nominee identified by the LA is not suitable, they should explain their reasons to the Local Authority. The role of the LA governor includes awareness of local issues, but an LA governor does not need to be affiliated to a political party.

1. **Formal Process**

Hackney Council (the LA) welcomes proposals for suitable candidates for LA governors from our schools. Although an LA governor is nominated by the LA their role is not to represent the LA in any way. Rather, along with all other governors, they bring the relevant perspective and skills that the Governing Board (GB) feels are needed to govern their school.

Based on experience, our family of Hackney schools have real clarity about the specific skills and diversity they wish to add to their GB. In addition, we offer guidance to boards on recruiting to all governor positions including LA governors, helping schools ensure they recruit widely diverse boards that reflect the community they serve. Please see details of the process [here](https://www.hackneyservicesforschools.co.uk/extranet/local-authority-governor-appointment-process).

It is important to remember that the formal confirmation of the appointment of a local authority governor to the GB is the responsibility of the GB, and we recommend this is done at a meeting of the full Governing Body and recorded in the minutes. In order to ensure compliance and best practice, the school should check both the eligibility criteria they have set (in terms of skills and experience) and the legal requirements set out in the qualifications and disqualifications schedule to the Constitution Regulations, replicated in Appendix 1 of this document). Please consult the flowchart below then fill in the form and submit to [governorservices@hackney.gov.uk](mailto:governorservices@hackney.gov.uk).

| *Step* | *Description* | *Actions* |
| --- | --- | --- |
| **1** | **School GB identifies candidate profile and potential candidate or asks LA for advice on how to find one** | - Considering the skills and expertise needed by the GB (e.g. Skills Audit)  - Considering diversity on the GB  - Using a variety of platforms to identify candidates (e.g. websites, community) |
| **2** | **School performs checks on candidates they have identified** | - School GB representative(s) interviews candidate  - School performs eligibility checks set by GB  - School checks disqualifications criteria as per The School Governance (Constitution) (England) Regulations 2012 - (as detailed on pages 3&4) |
| **3** | **GB proposes candidate to LA** | - Form is completed by Chair / clerk / Head teacher and sent to Hackney Education [governorservices@hackney.gov.uk](mailto:governorservices@hackney.gov.uk) |
| **4** | **Local Authority Nomination** | - The LA decides whether to nominate the candidate. It considers the information it has received in the form from the GB. Decisions are made by Cabinet. |
| **5** | **Local Authority Governor Appointment by GB** | Where the LA nominates a candidate, the GB then proceeds to formally confirm the appointment of the LA governor at the next FGB meeting; the appointment is recorded in the minutes;membership details of GB are updated; induction done; declaration of pecuniary interests is completed. |

**Please fill in this form and submit to** [*governorservices@hackney.gov.uk*](mailto:governorservices@hackney.gov.uk)*. (see* [*deadlines*](https://www.hackneyservicesforschools.co.uk/extranet/local-authority-governor-appointment-process)*)*

| **School / Governing Board name:** |  |
| --- | --- |
| **Name, role, and email address of person proposing nominee** *(e.g. Chair):* |  |
| **Name and email address of GB clerk:** |  |
| **Name and surname of candidate for LA governor:** |  |
| **Email address of candidate:** |  |
| **Is this a re-nomination?** (Yes/No): | *Y/N* |
| **Length of previous appointment, if applicable:** |  |
| **Is this candidate currently Chair of GB?**(Yes/No):  *Please note we will attempt to expedite the process, but if the person is not formally reappointed in time, they cannot act as Chair while they are not formally a governor.* | *Y/N* |
| **The FGB intends to formally appoint, with LA approval, on the following date** *(Date of FGB)***:** |  |
| **Brief rationale:**Explaining why this person meets the boards’ criteria for becoming a member, including details of identified skills, experience and contribution to Board Diversity |  |
| **The GB confirms the candidate meets all its eligibility requirements** (Yes/No): | *Y/N* |
| **The GBconfirms the School has performed the required checks and the candidate meets all the legal and financial qualification criteria specified in** [The School Governance (Constitution) (England) Regulations 2012, Schedule 4 r](https://www.legislation.gov.uk/uksi/2012/1034/schedule/4/made)eplicated in Appendix 1 of this document) (Yes/No): | *Y/N* |

I confirm this (re-)nomination is made in accordance with the School Governance (Constitution) (England) Regulations 2012.

Signed by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

| *Internal Section - Comments from Hackney Education* |
| --- |
| * Head of Governance Services  *[insert name, date]*   + Insert text |
| * Head of Legal / Legal officer  *[insert name, date]*   + Insert comments |
| Head of Finance/ Finance officer *[insert name, date]*   * + Insert comments |

Appendix 1: [Qualifications and disqualifications](https://www.legislation.gov.uk/uksi/2012/1034/schedule/4/made)

### General

**1.** A person is disqualified from holding or from continuing to hold office as a governor of a school at any time when the person is a registered pupil at the school.

**2.** A person is disqualified from being elected or appointed as a governor unless the person is aged 18 or over.

**3.** Save as otherwise provided in these Regulations, the fact that a person is qualified to be elected or appointed as a governor of a particular category at a school does not disqualify the person from election or appointment or from continuing as a governor of any other category at that school, but no person may at any time hold the office of more than one governor of the same school.

**4.** Any person who is disqualified from holding office as a governor of a school under this Schedule is likewise disqualified from holding or continuing to hold office as an associate member of the governing body unless the disqualification is under paragraphs 1 or 2 of this Schedule.

### Disqualification criteria for categories of governor

**6.** A person is disqualified from appointment as a local authority governor if the person is eligible to be a staff governor of the school.

### Failure to attend meetings

**9.**—(1) This paragraph applies to every governor, other than governors who are governors by virtue of the office that they hold.

(2) A governor who, without the consent of the governing body, has failed to attend their meetings for a continuous period of six months beginning with the date of the first such meeting the governor fails to attend, is, on the expiry of that period, disqualified from continuing to hold office as a governor of that school.

(3) A foundation governor, authority governor, co-opted governor or partnership governor who has been disqualified as a governor of a school under sub-paragraph (2) is not qualified for election, nomination or appointment as a governor of any category at that school for twelve months starting on the date on which they are so disqualified.

### Bankruptcy

**10.** A person is disqualified from holding or continuing to hold office as a governor of a school if—

(a)the person’s estate has been sequestrated and the sequestration has not been discharged, annulled or reduced; or

(b) the person is the subject of a bankruptcy restrictions order, an interim bankruptcy restrictions order([**1**](https://www.legislation.gov.uk/uksi/2012/1034/schedule/4/made#f00017)), a debt relief restrictions order or an interim debt relief restrictions order([**2**](https://www.legislation.gov.uk/uksi/2012/1034/schedule/4/made#f00018)).

### Disqualification of company directors

**11.** A person is disqualified from holding, or from continuing to hold, office as a governor of a school at any time when the person is subject to—

(a) a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986([**3**](https://www.legislation.gov.uk/uksi/2012/1034/schedule/4/made#f00019));

(b) a disqualification order under the Company Directors Disqualification (Northern Ireland) Order 2002([**4**](https://www.legislation.gov.uk/uksi/2012/1034/schedule/4/made#f00020));

c) a disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002; or

(d) an order made under section 429(2)(b) of the Insolvency Act 1986([**5**](https://www.legislation.gov.uk/uksi/2012/1034/schedule/4/made#f00021)) (failure to pay under county court administration order).

### Disqualification of charity trustees

**12.** A person is disqualified from holding or from continuing to hold office as a governor of a school if—

1. the person (“P”) has been removed from the office of trustee for a charity by an order made by the Charity Commission or Commissioners or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity for which P was responsible or to which P was privy, or to which P contributed or which P facilitated by P’s conduct; or
2. the person has been removed, under section 34 of the Charities and Trustee Investment (Scotland) Act 2005([**6**](https://www.legislation.gov.uk/uksi/2012/1034/schedule/4/made#f00022)), from being concerned in the management or control of any body.

### Persons whose employment is prohibited or restricted

**13.** A person is disqualified from holding or from continuing to hold office as a governor of a school at any time when the person is—

1. included in the list kept under section 1 of the Protection of Children Act 1999([**7**](https://www.legislation.gov.uk/uksi/2012/1034/schedule/4/made#f00023)) (list of those considered by the Secretary of State as unsuitable to work with children);
2. subject to a direction of the Secretary of State under section 142 of EA 2002([**8**](https://www.legislation.gov.uk/uksi/2012/1034/schedule/4/made#f00024)) (or any other disqualification, prohibition or restriction which takes effect as if contained in such a direction);
3. barred from regulated activity relating to children in accordance with section 3(2) of the Safeguarding Vulnerable Groups Act 2006([**9**](https://www.legislation.gov.uk/uksi/2012/1034/schedule/4/made#f00025));
4. disqualified from working with children under sections 28, 29 or 29A of the Criminal Justice and Court Services Act 2000([**10**](https://www.legislation.gov.uk/uksi/2012/1034/schedule/4/made#f00026));
5. disqualified from registration under Part 2 of the Children and Families (Wales) Measure 2010([**11**](https://www.legislation.gov.uk/uksi/2012/1034/schedule/4/made#f00027)) for child minding or providing day care; or
6. disqualified from registration under Part 3 of the Childcare Act 2006([**12**](https://www.legislation.gov.uk/uksi/2012/1034/schedule/4/made#f00028)).

### Criminal convictions

**14.**—(1) Subject to sub-paragraph (6) below, a person is disqualified from holding, or continuing to hold, office as a governor of a school where any of sub-paragraphs (2) to (4) or (6) below apply to the person.

(2) This sub-paragraph applies to a person (“P”) if—

1. within the period of five years ending with the date immediately preceding the date on which P’s appointment or election as governor would otherwise have taken effect or, as the case may be, on which P would otherwise have become a governor by virtue of an office, or
2. since P’s appointment or election as governor or, as the case may be, since P became a governor by virtue of an office, P has been convicted, whether in the United Kingdom or elsewhere, of any offence and a sentence of imprisonment (whether suspended or not) has been imposed on P for a period of not less than three months without the option of a fine.

(3) This sub-paragraph applies to a person (“Q”) if within the period of 20 years ending with the date immediately preceding the date on which Q’s appointment or election as governor would otherwise have taken effect or, as the case may be, on which Q would otherwise have become a governor by virtue of an office, Q has been convicted of any offence and a sentence of imprisonment has been imposed on Q for a period of not less than two and a half years.

(4) This sub-paragraph applies to a person who has at any time been convicted as aforesaid of any offence and a sentence of imprisonment has been imposed on the person for a period of not less than five years.

(5) For the purposes of sub-paragraphs (2) to (4) above, any conviction by or before a court outside the United Kingdom of an offence which, if the facts giving rise to the offence had taken place in any part of the United Kingdom, would not have constituted an offence under the law in force in that part of the United Kingdom must be disregarded.

(6) This sub-paragraph applies to a person (“R”) if—

1. within the period of five years ending with the date immediately preceding the date on which R’s appointment or election as governor would otherwise have taken effect or, as the case may be, on which R would otherwise have become a governor by virtue of an office, or
2. since R’s appointment or election as governor or, as the case may be, since R became a governor by virtue of an office, R has been convicted under section 547 of EA 1996([**13**](https://www.legislation.gov.uk/uksi/2012/1034/schedule/4/made#f00029)) (nuisance or disturbance on school premises) or under section 85A of the Further and Higher Education Act 1992([**14**](https://www.legislation.gov.uk/uksi/2012/1034/schedule/4/made#f00030)) (nuisance or disturbance on educational premises) of an offence and has been sentenced to a fine.

### Refusal to make an application for a criminal records certificate

**15.** A person is disqualified from holding or continuing to hold office as a governor at any time when the person refuses a request by the clerk to the governing body to make an application under section 113B of the Police Act 1997([**15**](https://www.legislation.gov.uk/uksi/2012/1034/schedule/4/made#f00031)) for a criminal records certificate.

### Notification to clerk

**16.** Where a person (“P”) is, or is proposed to become, a governor and by virtue of any of paragraphs 10 to 14 P is disqualified from holding, or from continuing to hold, office as a governor, P must give notice of that fact to the clerk to the governing body.