



# Special Advisory Group

## 5 November 2014

<b>Report title</b>	Parent Governor Representatives - amendments to the Constitution	
<b>Cabinet member with lead responsibility</b>	N/a	
<b>Key decision</b>	No	
<b>In forward plan</b>	No	
<b>Wards affected</b>	All	
<b>Accountable director</b>	Tim Johnson	
<b>Originating service</b>	Democratic Services	
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<b>Report to be/has been considered by</b>	Special Advisory Group	5 November 2014
	Standards Committee	8 January 2015

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### Recommendations for action:

The Special Advisory Group is recommended to support revisions to the Constitution for consideration by the Standards Committee and agreement by Council, specifically:

1. To include details of the role and responsibilities of local authority parent governor representatives appointed to the Children and Young People Scrutiny Panel.
2. That a maximum of two parent governor representatives be appointed or re-appointed to the Children and Young People Scrutiny Panel at Annual Council.
3. To require co-opted members, church representatives and parent governor representatives to sign and abide by the Councillors Code of Conduct as a condition of being a member of the Children and Young People Scrutiny Panel.

4. The eligibility conditions (contained in appendix B to this report) for parent governor representative at maintained schools to stand for election, as a local authority parent governor representative.
5. To give authority to the Monitoring Officer to appoint a returning officer to make all the necessary arrangements and to determine all matters relating to the holding of an election of a parent governor representative, where there is a vacancy.
6. To give discretion to the returning officer not to arrange a ballot for a vacancy where the places to be filled is equal to or exceeds the number of parent governor representatives candidates for election.
7. To appoint parent governor representative for a maximum period of two years following an election and confirmation at annual Council.
8. To state that parent governor representatives can, at the discretion of the Chair of the Children and Young People Scrutiny Panel, be disqualified if they do not attend panel meetings for a period of six months.

## **1.0 Purpose**

- 1.1 The Council's Constitution has been amended periodically to keep pace with the drive for change and improvement and in response to Government regulations, statute and custom and good practice. The proposed changes are intended to equip and enable parent governor representatives to carry out their responsibilities successfully.
- 1.2 This report seeks support for a number of changes to the Constitution, to be considered by the Standards Committee and approved by the Annual Council meeting.

## **2.0 Background**

- 2.1 The proposed changes are needed to clarify and support the role of parent governor representatives (PGR) who have an important role in representing the parent voice in debates on local education matters.
- 2.2 There is acceptance that the role of local authority PGRs is both challenging and complex and therefore clearer guidance would help to make them more effective in their role.
- 2.3 As part of the ongoing process of reviewing and modernising the Constitution a number of changes are needed to reflect good practice and bring existing procedures into line with regulations.
- 2.4 The current position is that the Council can appoint a maximum of five voting parent governor representatives to the Children and Young People Scrutiny Panel. There are currently two vacancies for parent governor representatives.
- 2.5 The proposed changes are detailed below, if agreed, this will mean that when the term of office for the current parent governor expires in March 2015, then the vacancy will not be filled; as the maximum number of parent governor representatives will have been reduced to two.

## **3.0 Changes to the Constitution**

### **Role of local authority parent governor representatives**

- 3.1 The Constitution does not make explicit the expectations of the people elected as local authority PGR, particularly their role and responsibilities. A copy of the proposed addition is attached as appendix A

### **Eligibility to become a parent governor representative**

- 3.2 Statutory guidance and supporting guidance published by Centre for Public Scrutiny detail the criteria to be met in order to be appointed as a local authority PGR. The changes to the Constitution are needed to support wider changes to strengthen the role

and effectiveness of school governors in maintained schools by making the process transparent. A copy of the proposed addition is attached as appendix B.

### **Election of parent governor representatives**

- 3.3 There is a need to formalise current practice when seeking to appoint to a vacancy. The proposed changes reflect statutory guidance and good practice. A copy of the proposed amendments is attached as appendix C.

### **Councillors Code of Conduct**

- 3.4 At present only Councillors are required to sign and abide by the Councillor Code of Conduct. To reflect best practice all co-opted members appointed to Children and Young People Scrutiny Panel should also be required to sign and abide by the Councillor Code of Conduct. A copy of the proposed amendments is attached as appendix D.

### **Disqualification of parent governor representatives**

- 3.5 The Constitution makes no reference to the circumstances where a local authority parent governor representative can be disqualified for not attending panel meetings. The change will ensure clarity on this matter. A copy of the proposed amendments is attached as appendix E

## **4.0 Financial implications**

- 4.1 There are no financial implications arising from the recommendations in this report.  
[GE/21102014/L]

## **5.0 Legal implications**

- 5.1 The proposed changes to the Council's Constitution are aimed at complying with the requirements of the Parent Governor Representatives (England) Regulations 2001 and national guidance parent governor representatives on local authority scrutiny committees (2005) published by the Centre for Public Scrutiny.  
[RB/23102014/Z]

## **6.0 Equalities implications**

- 6.1 There are no equalities implications arising from the recommendations in this report.

## **7.0 Environmental implications**

- 7.1 There are no environmental implications arising from the recommendations in this report.

## **8.0 Corporate landlord implications**

- 9.1 There are no corporate landlord implications arising from the recommendations in this report.

## **10.0 Schedule of background papers**

- 10.1 Council report - 4 June 2014 - The Appointment of Executive, Scrutiny and Regulatory Bodies, Appendix 3 Appointment of Scrutiny Board and Scrutiny Panels 2013/14, Council

## **Appendix A Description of the role and responsibilities of a local authority parent governor representatives**

The overall role of parent governor representatives (PGR) is to represent parents and not parent governors and to hold the authority to account for education policy and decision-making.

The responsibilities of the PGR are listed below:

- act as an apolitical voice for parents in the area; representing to the local education authority the main education issues which concern parents of pupils in schools maintained by the authority
- PGRs are not expected to represent the views of all parents across the local authority through any sort of delegated mandate. However, there is an expectation that as best you can that you remain in touch with your wider constituency in order that you can reflect diverse views.
- liaise with the other PGRs on the Children and Young People Scrutiny Panel.
- attend and contribute to the Children and Young People Scrutiny Panel to which they have been appointed
- establish good relations with other Councillors members and officers
- feedback discussions of and decisions on education matters from the Children and Young People Scrutiny Panel to parents
- sign and abide by the Councillor Code of Conduct
- act with due propriety according to standards laid down for conduct in local government.

## **Appendix B Eligibility criteria for local authority parent governor representatives**

Any parent governor (who is still a parent of a child in a maintained school within the authority and be the parent of a registered pupil educated at a school maintained by the local authority **at the time of election**) can stand for election, even if they only have a short time left to serve.

Employees of the local authority, at any of its schools and local councillors are not eligible to apply.

A parent governor representatives (PGR) can only be a representative in one local authority at any one time.

If a person resigns or is disqualified as a PGR or they become a local councillor or member of school staff they will not be eligible to apply for a vacancy.

A person will not be disqualified if their term of office as a parent governor comes to an end in the normal way, or they cease to be a parent governor of the school due to changes to the constitution of the governing body or the closure of the school.

It is the responsibility of parent governor representatives to inform the local authority of any circumstance which they believe disqualifies them from office.

Where there is a disqualification (or a PGR cannot complete the term of office for some other reason) the local authority can decide whether to appoint a successor for the unexpired portion of the term or for a full term. In any event when there is a vacancy (mid or full-term) an election should be held within six months.

*Ref: The Parent Governor Representatives (England) Regulations 2001*

## Appendix C Election of local authority parent governor representatives

The Council is responsible for making all the necessary arrangements for and to determine all other matters relating to the holding of an election of a local authority parent governor representative.

The Council will appoint a returning officer to ensure that as far as possible that the election of a PGR is conducted fairly and complies with the requirements detailed below

- 4.—(1) A local education authority shall make all the necessary arrangements for, and determine all other matters relating to, the holding of an election of a parent governor representative but nothing in this regulation shall prevent an authority from appointing another body to conduct or oversee that election.
- (2) A local education authority may make arrangements—
- (a) dividing parent governor representatives into different categories representing
    - (i) particular types of school, or
    - (ii) maintained schools in a particular area; and
  - (b) where they have done so, restricting the electorate for each such category to parent governors of the same type of school or parent governors of maintained schools in that area (but they need not do so).
- (3) Where a vacancy for a parent governor representative is required to be filled by election the local education authority shall announce that vacancy and at the time of that announcement shall—
- (a) appoint a returning officer who shall ensure that so far as possible the election is conducted fairly;
  - (b) take such steps as are reasonably practicable to secure that every person who is known to them to be eligible to vote in the election of a parent governor representative is—
    - (i) informed of the vacancy and that it is required to be filled by election;
    - (ii) informed that he is entitled to vote at the election;
    - (iii) informed of any arrangements made in respect of the election under regulation 4(2)
    - (iv) informed of the details of the electoral timetable and procedures;
    - (v) informed of the qualifications which a person requires in order to be elected as a parent governor representative, and of the term of office of a parent governor representative; and
    - (vi) provided with a description of the role of a parent governor representative.



(4) Any election of a parent governor representative which is contested shall be held by secret ballot.

(5) No ballot paper in such an election shall contain any indication of an affiliation with a political party.

(6) Where a vacancy for a parent governor representative arises, the local education authority shall—

(a) determine, for the purposes of the election, any question as to a person's entitlement to vote or eligibility to stand for election;

(b) provide for every person who is eligible to vote in the election to have an opportunity to do so by post;

(c) secure that the results of the election are announced not more than one week after the date of the election, and not more than three months after the announcement of the vacancy.

(7) Where a vacancy remains unfilled because no, or not enough, candidates seek election, the local education authority shall comply with the requirements of this regulation again within one year of the original vacancy having arisen and at six monthly intervals thereafter, calculated from the first anniversary of the original vacancy having arisen, until the vacancy is filled.

(8) Nothing in these Regulations shall require a ballot to be held if the number of vacancies to be filled is equal to or exceeds the number of candidates for election.

**Reference: Parent Governor Representatives (England) Regulations 2001.**

The Council will appoint a maximum of two local authority parent representatives to the Children and Young People Scrutiny Panel.

Parent Governors are appointed for a period of two years following their election. The start date for the term of office will be not more than one month after the announcement of the election result.

**Appendix D Code of Conduct for Councillors and Co-opted Members appointed at annual Council.**

The Constitution to be amended to include a specific paragraph that requires PGR to sign up to Councillor Code of Conduct as a condition of their appointment to the Children and Young People Scrutiny Panel at Annual Council.

## **Appendix E Disqualification of parent governor representatives**

The Chair of the Children and Young Panel has the discretion to disqualify a parent governor representative who does not attend panel meetings for a period of six months.