



# Procedural Guide to the appointment, re-appointment, resignation, suspension and removal of LGB Members

## **Procedural Guide to the appointment, re-appointment, resignation, suspension and removal of LGB Members**

This guide has been produced to clarify the procedural for appointments, re-appointments, resignations, suspensions and removals of Governors and Associate Members in schools within the Diocese of Nottingham.

### **Size and composition of Local Governing Bodies**

NRCDES has set a minimum of four Foundation Governors at each school based on the understanding that there will also be 2 Elected Parent Governors (see related *Guide to Appointment of Parent Governors*). There is no set upper limit to the number of Foundation Governors at a school, only the need to maintain an overall majority of at least 2 Foundation Governors and the number will be determined by the needs and circumstances of the particular school.

Associate Members can be appointed in exceptional circumstances if there is a pressing need and a strong case to support this. (See related document *Guidance on the Use and Appointment of Associate Members*).

### **Eligibility for appointment**

For Foundation Governors it is the responsibility of the Bishop to determine whether a nominee (or indeed an existing foundation governor) has the necessary skills and commitment to Catholic education to be appointed. This judgement will be assisted by the information provided by the nominee on the application form and from the references, including that from the parish priest. There are certain limitations on appointments such as the expectation that nominees will be practising Catholics and whether there are family relationships with school employees or fellow governors.

For Elected Parent Governors it is the responsibility of the Local Governing Body to ensure that vacancies are filled as soon as possible. Further guidance on the process for appointing Elected Parent Governors is provided in the document *Guidance Note: Appointment of Parent Governors*.

Guidance on the circumstances when the use of Associate Members might be considered to be appropriate and the alternatives to them is contained in the document *Additional Guidance on the Use and Appointment of Associate Members*. They do not have full governor status but are subject to the same requirements as full governors regarding Child Workforce Checks and the Declaration of Eligibility.

### **Appointment process for Foundation Governors**

All nominees for the position of Foundation Governor must first complete the Self-Nomination Form accessed from the NRCDES website or emailed by NRCDES on request.

Once a Self-Nomination Form has been submitted to the NRCDES the application process will be managed by the NRCDES on behalf of the Bishop as follows:

1. NRCDES checks that the nominee satisfies the Bishop's criteria for an appointment and whether there is a vacancy at a school with a match to their skills, knowledge and experience. NRCDES will liaise with the governance lead in the CMAT, the CMAT Chair, Headteacher, the LGB Chair of Governors but the final decision on whether to appoint and at which school will be taken by the NRCDES.
2. NRCDES will obtain references (*including from the parish priest*).
3. NRCDES will correspond with the nominee to confirm the offer of a position and to secure completion of a Declaration of Eligibility statement.
4. NRCDES will inform the school, clerk and CMAT Governance Lead that the appointment will be made after confirmation has been received that a Child Workforce check has been satisfactorily completed.

5. The school (or CMAT dependent on practice within the CMAT) will initiate Child Workforce checks (see separate guidance on the *Process for Child Workforce checks*)
6. The school (or CMAT) will confirm to NRCDES when a Child Workforce check has been satisfactorily completed.
7. NRCDES will add the new governor onto Trust Governor (see note 3 below), confirm to the new governor, school, clerk, CMAT Governance Lead and relevant Local Authority Governor Services the start date of the term of office and issue the welcome pack from the Bishop to the new governor.
8. The CMAT Governance Lead will provide the new governor with the LGB Handbook, Trust Governor log on details and their Trust Governor initial user guidance.
9. The Headteacher and LGB Chair will ensure that the new governor goes through the induction process as set out in the '*NRCDES Governor Induction Policy and Checklist*'.
10. The school will update the governance page of the school website

### **Appointment process for Elected Parent Governors**

The Local Governing Body must ensure that arrangements are made for the election of a Parent Governor as soon as a vacancy arises. Detailed guidance on the process to be followed including guidance on conducting the election is contained in the document *Guidance Note: Appointment of Parent Governors*. The steps in the process are as follows:

1. The LGB sets out the desired skills and experience they are looking for in a new governor.
2. On completion of the election, the LGB notifies the CMAT and the NRCDES of details of the successful candidate.
3. The school (or CMAT dependent on practice in the CMAT) informs the successful candidate that they will be appointed following completion of a Child Workforce check (see separate guidance on the *Process for Child Workforce checks*) and ensures the candidate completes the Declaration of Eligibility statement.
4. The school (or CMAT dependent on practice in the CMAT) initiates a Child Workforce check.
5. On receipt of a satisfactory Child Workforce check, the CMAT will set up a Trust Governor for the new governor, confirm the start date for their term of office and provide them with a copy of the LGB Handbook, Trust Governor log in details and initial user guidance.
6. The CMAT Governance Lead will inform NRCDES, the school, the clerk, the CMAT Chair and the relevant LA Governor Services that the appointment has been completed.
7. The school will inform the parent body of the appointment.
8. The Headteacher and LGB Chair will ensure that the new governor goes through the induction process as set out in the '*NRCDES Governor Induction Policy and Checklist*'.
9. The school will update the governance page of the school website.

### **Appointment process for Associate Members**

If the LGB considers that the circumstances at the school are such that an Associate Member may be beneficial, they should refer to the document *Guidance on Use and Appointment of Associate Members*. The LGB Chair will submit a proposal to the CMAT Chair and NRCDES. If an appointment is agreed, the steps in the appointment process are as follows:

1. The CMAT Governance Lead will ensure the appointee completes a Declaration of Eligibility statement.
2. The school (or CMAT dependent on the practice in the CMAT) will initiate a Child Workforce check.
3. On receipt of a satisfactory Child Workforce check, the CMAT Governance Lead will set up a Trust Governor account and confirm their remit, start date, term of office and provide them with a copy of the LGB Handbook, Trust Governor log in details and initial user guidance.
4. The CMAT Governance Lead will inform NRCDES, the CMAT Chair, the school, the clerk and the relevant Local Authority Governor Services that the appointment has been completed.
5. The Headteacher and LGB Chair will ensure that the new Associate Member goes through the induction process as set out in the '*NRCDES Governor Induction Policy and Checklist*'.
6. The school will update the governance page of the school website.

## **Re-appointment**

### Foundation Governors

NRCDES will lead on the re-appointment of Foundation Governors. In the school term before the end of the governor's term of office, NRCDES will contact the Headteacher, LGB Chair and CMAT Chair to confirm that re-appointment of the governor is appropriate. NRCDES will check the parish priest reference and confirm with the school/CMAT that a valid Child Workforce check is in place. NRCDES will then issue a new Declaration of Eligibility Form to the governor and upon satisfactory completion and return of this form, NRCDES will confirm their re-appointment.

### Parent Governors

At the end of a term of office, the school must hold fresh elections. The outgoing parent governor may re-apply if they still meet the eligibility criteria, see further guidance in the document '*Guidance Note: Appointment of Parent Governors*'.

### Associate Members

Associate Members will not be re-appointed after the end of their term of office unless there are exceptional circumstances. These would need to be set out in a submission to NRCDES and the CMAT Chair from the LGB Chair.

## **Resignation**

If a governor wishes to resign, they must inform in writing (or via email) the relevant appointing body (see *table A below for details*). There is no notice period required and the governor's term of office will end as at the date of the letter.

## **Process for Removal (and Suspension) of a Governor**

Governors are intended to make a positive contribution to the life of the school. There may be occasions where a governor fails to make that positive contribution or falls short of the expectations of the role and it may then be considered that ending their term of office prematurely may be in the best interests of the academy and the individual. Examples of where removal from office may be considered to be appropriate are:

- Persistent non-attendance at meetings
- Failure to fulfil the commitments of a governor
- Bringing the school, CMAT or Diocese into disrepute
- Committing actions or displaying behaviours incompatible with their role in supporting the Diocese
- A serious breach or persistent minor breaches in the Code of Conduct

## **The procedure for removal from post is as follows:**

### Elected Parent Governor/Associate Member

1. The chair of governors discusses the matter with the headteacher.
2. The chair of governors initiates an informal conversation with the individual about areas of concern and how these can be addressed.

3. If the problem persists, the chair of governors informs the chair of the CMAT Board and a formal discussion takes place between the chair of governors and the individual who will be advised that their conduct is not acceptable and will be issued with a timescale for improvements.
4. If the problem is not resolved, the chair of the CMAT should be informed that removal from office is proposed and the chair of governors will write a statement outlining the case for removal to the local governing body copied to the CMAT. At this stage a **temporary suspension** from duties may be issued whilst further investigations are undertaken. The individual will have the right to submit a statement to the local governing body outlining why they should remain in post. The local governing body will consider the case and write to the individual with the outcome. There will be no further appeal. As Associate Members are appointed by the CMAT & the NRCDES it will be for the CMAT Board & the NRCDES to determine the outcome.

#### Foundation Governor (non-chair)

1. The chair of governors will discuss the matter with the headteacher.
2. The chair of governors will initiate an informal conversation with the individual about areas of concern and how these can be addressed.
3. If the problem persists, the chair of governors will inform the chair of the CMAT Board and the NRCDES to discuss what action to undertake. The normal course of action will be for the chair of governors to advise the individual that their conduct is not acceptable and discuss how and by when improvements will be made.
4. If the problem is not resolved, the chair of governors will inform the chair of the CMAT and the NRCDES and will provide a statement on why removal from office would be appropriate. The NRCDES will then issue a letter informing the individual that they are considering removing them from office. At this stage a **temporary suspension** from duties may be issued whilst further investigations are undertaken. The individual will have the right to submit a statement to the NRCDES outlining why they should remain in post. The NRCDES will consider the case and will write to the individual with the outcome. There will be no further appeal.

#### Foundation Governor (chair)

1. The headteacher and vice-chair will discuss the matter and raise concerns directly with the chair of the CMAT.
2. The chair of the CMAT will alert the NRCDES and will initiate an informal discussion with the individual about the areas of concern and how these can be addressed.
3. If the problem persists, the chair of the CMAT will raise the issue with the NRCDES and discuss what action to undertake. The normal course of action will be for the chair of the CMAT to advise the individual that their conduct is not acceptable and discuss how and by when improvements will be made.
4. If the problem is not resolved, the chair of the CMAT will inform the NRCDES and provide a statement on why removal from office would be appropriate. The NRCDES will then issue a letter informing the individual that they are considering removing them from office. At this stage a **temporary suspension** from duties may be issued whilst further investigations are undertaken. The individual will have the right to submit a statement to the NRCDES outlining why they should remain in post. The NRCDES will consider the case and write to them with the outcome. There will be no further appeal.

**Note:** For all members of the local governing body, including chairs of governors, where there are cases of serious breaches of the Code of Conduct an individual may be **suspended** from their role immediately and formal action including a straight submission on removal from office may be undertaken.

**Table A: Table of responsibilities**

	<b>Foundation Governor</b>	<b>Elected Parent Governor</b>	<b>Associate Member</b>
<b>Authorisation of Appointment, Suspension or Removal</b>	NRCDES	School	CMAT & NRCDES
<b>Responsibility for Child Workforce Checks</b>	School (or CMAT)	School (or CMAT)	School (or CMAT)
<b>Adding as Trust Governor User</b> (see note 3)	NRCDES	CMAT	CMAT
<b>Confirmation with nominee</b> (see notes 1&2)	NRCDES	CMAT	CMAT
<b>Providing Trust Governor Log in details</b> (see note3)	CMAT	CMAT	CMAT
<b>Informing School, Clerk and LA Governor Services</b> (see note 4)	NRCDES	CMAT	CMAT
<b>Updating School Website</b>	School	School	School

**Notes:****1) Confirmation of Appointment of Foundation Governors**

Appointments do not come into effect until NRCDES has confirmed the appointment to the nominee, the CMAT and the school. Before that point, no actions should be taken by any party, including the CMAT or school which give the impression that an appointment has been made. It is important to understand that the appointment of Foundation Governors is at the absolute discretion of the Bishop of Nottingham. Due to the nature of the decision-making process, the Bishop or the NRCDES will not normally engage in any discussion or correspondence with the nominee on the reason why a nomination has not resulted in an appointment.

**2) Declarations of Eligibility and Child Workforce Checks**

The appointment of a governor of any category or an Associate Member is not finalised until a Declaration of Eligibility and a Child Workforce Check has been successfully completed and **therefore the new governor should not commence their duties until confirmation has been received of their appointment.** For full details of the process for completion of Child Workforce checks, please refer to the separately issued document 'Child Workforce Checks Protocol'.

**3) Trust Governor**

Trust Governor is the online system NRCDES and each of the CMATs in the Diocese use to support governors to work effectively. It provides secure access to information about meetings, includes dates and minutes, data including school performance information and policies and it allows governors to keep information about themselves up to date including their training records. NRCDES will set up new Foundation Governors on Trust Governor. This is an action that should not be carried out by schools or the CMAT. The CMAT Governance Lead will set up new Elected Parent Governors and Associate Members on Trust Governor. The CMAT Governance Lead will provide each new Foundation Governor, Elected Parent Governor and Associate Member with details of their Trust Governor log in and Trust Governor initial user guidance.

**4) LA Governor Services**

LA Governor Services are only required to be informed of changes to governing bodies if the CMAT still uses their services (for instance for clerking or access to training).

**Contacts for further advice:**

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