

COUNCIL:

25 January 2024

REPORT OF THE INTERIM MONITORING OFFICER

APPOINTMENT OF GOVERNORS TO SCHOOL GOVERNING BODIES

Reason for this Report

1. (i) To appoint Local Authority School Governors to fill vacancies on the Governing Bodies of Maintained Schools; and

(ii) To appoint temporary governors to the new temporary Governing Body which is to be constituted for a proposed new primary school in the Cathays area, as approved by Cabinet on 18th January 2024.

Background

2. Section 19 of the Education Act 2002 ('the 2002 Act') makes provision for the constitution of governing bodies of maintained schools to include Local Authority appointed governors, along with other categories of school governors, with further detail contained in the Government of Maintained Schools (Wales) Regulations 2005 ('the School Government Regulations'). When Local Authority school governor vacancies arise, either by appointees reaching the end of their term of office or resigning, it is the statutory duty of the Council to fill the vacancies as soon as possible.
3. Where new maintained schools are being established, section 34 of the 2002 Act requires the local authority to make arrangements for the constitution of a temporary governing body for the new school. For temporary governing bodies, the School Government Regulations are modified by the New Maintained Schools (Wales) Regulations 2005 (together referred to in this report as 'the Regulations').
4. The Local Authority Governor Panel has responsibility under its approved Terms of Reference '(a) To advise the Council on appointments (and removal) of governors to be made by the Local Authority' and '(b) To consider and make decisions relating to the recruitment, training and vetting of potential governors and any other matters that may be referred to the Panel by the Cabinet or the Constitution Committee', for all school governing bodies which are constituted under the Government of Maintained Schools (Wales) Regulations 2005.

Issues

5. The Local Authority Governor Panel will meet on 22 January 2024 to consider new applications to fill current and future school governor vacancies due to arise by 31 May 2024. The recommendations of the panel, in respect of new appointments will be reported on the Amendment Sheet.
6. The Council has set out proposals to open a new primary school in the Cathays area from September 2025 and following consultation, a statutory notice was published to discontinue Allensbank Primary School and Gladstone Primary School from September 2025 and to establish a new two forms of entry (FE) English-medium primary school in the premises currently shared between Gladstone Primary School and St Monica's Church In Wales Primary School. The proposed new school will have a capacity of 420 places and will cater for the age range 3-11 incorporating 48 full time equivalent (FTE, that is a total of 96 part time) nursery places.
7. The statutory notice was published on 9 November 2023 and allowed a period of 28 days from the date of publication for receipt of formal objections to the proposals. The proposals were considered and approved by the Council's Cabinet on 18 January 2024: 'School Organisation Planning: Primary School Places to Serve Cathays and Parts of Gabalfa, Heath, Llandaff North and Plasnewydd,' 18 January 2024: [CARDIFF COUNCIL \(moderngov.co.uk\)](https://www.moderngov.co.uk).
8. Under the New Maintained Schools (Wales) Regulations 2005 (Regulation 5(1)), the local authority may put in place arrangements to establish a temporary governing body for a new maintained school in anticipation of approval of the proposals, after the proposals have been published via a statutory notice. The arrangements include the appointment of temporary Local Authority, Parent and Staff governors in accordance with the Regulations.
9. Following consultation with Allensbank Primary School and Gladstone Primary School, it has been agreed that the Council will put arrangements in place for a temporary governing body for the proposed new primary school in Cathays in anticipation of approval of the proposals. The appointments to the temporary governing body are conditional and subject to Cabinet's approval of the proposals.
10. In accordance with its approved terms of reference, the Local Authority Governor Panel will consider applications for the temporary Local Authority and Parent governor positions on the temporary governing body at its meeting on 22 January 2024 and the recommendations of the Panel will be included on the Amendment Sheet.

Legal Implications

11. Relevant legal provisions are set out in the body of the report.
12. Under Regulation 25 of the Government of Maintained Schools (Wales) Regulations 2005, school governor appointments are for a fixed term of 4 years from the date of the appointment (with certain exceptions) and governors may be re-appointed for a further 4 year term.
13. Provisions for the conduct of new schools with temporary governing bodies and the transition from a temporary governing body to a permanent governing body constituted under an instrument of government are set out within the New Maintained Schools (Wales) Regulations 2005.
14. Appointments to outside bodies is a local choice function, which is reserved under the Council's Constitution to full Council. Accordingly, the appointment of school governors to governing bodies of maintained schools, to be made having regard to the recommendations of the Local Authority Governor Panel pursuant to its approved terms of reference (detailed in paragraph 4 of the report), requires the approval of full Council.

Financial Implications

15. There are no financial implications arising from this report.

Recommendation

In accordance with the recommendations of the Local Authority Governor Panel, to:

- (i) Approve the new appointments and re-appointments of Local Authority governors to the school governing bodies as set out on the Amendment Sheet, each for a term of 4 years from the date of the appointment; and
- (ii) Approve the appointment of temporary Local Authority and Parent school governors to constitute the temporary governing body of the new two forms of entry English-medium primary school being established in Cathays (referred to in paragraphs 6 and 7 of the report), as set out on the Amendment Sheet.

D MARLES
Interim Monitoring Officer
19 January 2024

Background Papers

Statutory Notice of School Organisation Proposals, 'Community Primary School Provision in the Cathays/Gabalfa Areas', 9th November 2023: [Statutory Notice \(cardiff.gov.uk\)](https://www.cardiff.gov.uk/statutory-notice)

Cabinet Report: 'School Organisation Planning: Primary School Places to Serve Cathays and Parts of Gabalfa, Heath, Llandaff North and Plasnewydd,' 18 January 2024: [CARDIFF COUNCIL \(moderngov.co.uk\)](https://www.moderngov.co.uk)