

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

30 SEPTEMBER 2010

**REPORT OF CORPORATE
MANAGEMENT TEAM**

CABINET DECISION

Children and Young People – Lead Cabinet Member – Councillor Mrs McCoy

ESTABLISHMENT OF A TEMPORARY GOVERNING BODY FOR THE PROPOSED NEW COMMUNITY PRIMARY SCHOOL IN BILLINGHAM

1. Summary

This report details the need to establish a temporary school Governing Body for the proposed new community primary school in Billingham.

2. Recommendations

- Members are asked to establish a temporary Governing Body with a total membership of 16 governorships;
- The two outgoing Governing Bodies of Bewley Infant School and Bewley Junior School be empowered to appoint six parent and two staff governors between themselves;
- Members appoint Mrs B Rolfe, Mr N Fallon, Mrs L Ward and Reverend T Parker to the temporary Governing Body as Community Governors;
- Delegated authority be given to the Corporate Director for Children, Education and Social Care, in consultation with the Cabinet Member, to appoint to any vacancies arising from declined appointments.

3. Reasons for the Recommendations/Decision(s)

Under the terms of Section 34 the Education Act 2002 and in line with the requirements of the School Governance (New Schools)(England) Regulations 2007, local authorities must establish a temporary Governing Body where a new school is to be established which the authority intends to maintain.

4. Members' Interests

Members (including co-opted Members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (**paragraph 8**) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (**paragraphs 10 and 11 of the code of conduct**).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;
- in any other case, whenever it becomes apparent that the business is being considered at the meeting;

and must not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (**paragraph 12 of the Code**).

Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc; whether or not they are a Member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.

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SUMMARY

This report details the need to establish a temporary school Governing Body for the proposed new community primary school in Billingham.

RECOMMENDATIONS

- Members are asked to establish a temporary Governing Body with a total membership of 16 governorships;
- The two outgoing Governing Bodies of Bewley Infant School and Bewley Junior School be empowered to appoint six parent and two staff governors between themselves;
- Members appoint Mrs B Rolfe, Mr N Fallon, Mrs L Ward and Reverend T Parker to the temporary Governing Body as Community Governors;
- Delegated authority be given to the Corporate Director for Children, Education and Social Care, in consultation with the Cabinet Member, to appoint to any vacancies arising from declined appointments.

DETAIL

1. On 5 November 2009, Members considered the proposal to discontinue Bewley Infant School and Bewley Junior School with effect from 31 August 2011, and to establish a new primary school with effect from 1 September 2011.
2. The Statutory Notice was published on 14 November 2009, and the proposal was approved by the Office of the Schools' Adjudicator on 23 March 2010.
3. As a result there is now the need to establish a temporary Governing Body to oversee the opening of the new school.
4. The temporary Governing Body would have a total membership of 16, comprising six Parent, three Staff, three Local Authority and four Community Governorships.
5. The Local Authority shall appoint the Local Authority and Community Governors.
6. The Local Authority appointments will be dealt with in accordance with the procedure for the appointment of school governors approved as Minute 84 of the Cabinet (11 May 2000).
7. It is proposed that Mrs B Rolfe, Mr N Fallon, Mrs L Ward and Reverend T Parker, who are all currently serving as governors on either Bewley Infant School or Bewley Junior School Governing Bodies, fill the Community governorships.

8. Where a temporary Governing Body is established due to the closure of two existing schools, the Local Authority must allow some or all of the temporary Parent and Staff governors to be appointed by the outgoing Governing Bodies of the schools that are to close.
9. It is therefore proposed that all of the Parent and two of the Staff governorships be filled by the outgoing Governing Bodies, and the remaining Staff governorship be reserved for the Headteacher designate.
10. Finally, if for whatever reason any of these appointments are subsequently declined, there will be a need to ensure that the resulting vacancies are filled as soon as possible. It is, therefore, proposed that delegated authority be given to the Corporate Director for Children, Education and Social Care, in consultation with the Cabinet Member, to appoint to any vacancies arising from declined appointments.

FINANCIAL IMPLICATIONS

11. None.

LEGAL IMPLICATIONS

12. This proposal falls under Section 34 of the Education Act 2002 and in line with the requirements of the School Governance (New Schools)(England) Regulations 2007.

RISK ASSESSMENT

13. A risk assessment has been carried out. The proposal is categorised as low to medium risk. Existing management systems and daily routine activities are sufficient to control and reduce risk.

SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS

14. None.

EQUALITIES IMPACT ASSESSMENT

15. An Equality Impact Assessment has been undertaken on the functions of the School & Governor Support Service, which included governor appointments, to ensure that all residents have equal opportunities to benefit from its aims and objectives.

CONSULTATION INCLUDING WARD/COUNCILLORS

16. As contained in the report dated 5 November 2009.

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Education related?

Yes.

Background Papers

Cabinet Report dated 5 November 2009.

Ward(s) and Ward Councillors:

Billingham North: Councillors Aggio, Apedaile and Leckonby
Billingham East: Councillor Stoker
Billingham Central: Councillors McCoy and Woodhouse
Billingham South: Councillors O'Donnell and Smith
Billingham West: Councillors Womphrey and Mrs Womphrey
Northern Parishes: Councillor Gardner

Property

The proposal would enable the Council to modernise existing property.