

REPORT FOR: COUNCIL

Date of Meeting:	28 February 2013
Subject:	DECISIONS TAKEN UNDER THE URGENCY PROCEDURE - COUNCIL
Responsible Officer:	Hugh Peart – Director of Legal and Governance Services
Exempt:	No
Enclosures:	None

In accordance with the delegations to Chief Officers, the Leaders of each of the Political Groups on the Council were consulted on the following urgent decisions, which were approved on behalf of the Council, as they required action prior to this meeting:

Appointments to Outside Bodies

Following resignations, appointments to Outside Bodies of the Council were agreed as follows:

Harrow Citizens' Advice Bureau – Councillor Anthony Seymour

Harrow Citizens' Advice Bureau – Councillor Victoria Silver

London Councils' Children and Young People Forum – Councillor Mitzi Green

London Councils' Children and Young People Forum – Councillor Bill Phillips (Deputy)

All appointments made were for the remainder of the 2012/13 municipal year.

These appointments were agreed as matters of urgency provide to ensure continuing Council representation on these bodies at the earliest opportunity.

Appointment of Local Authority School Governors

It was agreed that

- Authority be delegated to the Director of Children's Services (currently the Corporate Director of Children and Families) to appoint Harrow Local Authority Governors to schools within the borough.
- The process for the appointment of Harrow Local Authority Governors by the Director of Children's Services be agreed, as contained as detailed below.
- The Council's Constitution be amended to reflect the delegation to the Director of Children's Services.

An informal appointment process existed which involved the Director of Children's Services (Corporate Director of Children and Families) appointing LA Governors. It was intended to formalise this process by ensuring that there was a specific delegation contained in the Constitution and an agreed process for the Director of Children's Services to follow in the appointment of Harrow Local Authority Governors. This would ensure greater transparency and integrity in the process.

This issue was agreed as a matter of urgency to ensure that an agreed formalised process is in place for the appointment of Local Authority Governors as soon as possible to deal with any instances where an appointment is required to ensure that the Council is represented on School Governing Bodies.

The process agreed is detailed below:

Process for the Appointment of Harrow Local Authority ('Authority') Governors

Authority Delegated to the Director of Children's Services and Criminal Records Bureau Checks

The Policy:

Local Authority / Authority Governors

1. No person including Elected Members may be appointed or nominated as a Local Authority Governor until they have had an enhanced Criminal Record Bureau (CRB) check, which has been cleared by an authorised officer.
2. Where a person has had an enhanced CRB check, which does not reveal any disclosures, the authority to appoint or nominate them as a LA governor is delegated to the Director of Children's Services (DCS). In these circumstances, the authority to appoint or nominate a LA Governor may be delegated to another Officer.

3. Where a person has an enhanced CRB check but it reveals any disclosure the DCS must consult with the Lead Member for Children's Services (LMCS) before making a decision. This decision may not be delegated to another Officer.
4. Serving LA Governors who are not Elected Members who do not have an enhanced CRB check will be requested to have one and will be required to have one before their appointments are renewed and every four years after that time.
5. Any person who refuses to have a CRB check carried out shall not be appointed or nominated as a LA governor. If they already hold the position of a LA governor they will be removed from that position by the DCS. The authority to remove the LA governor may be delegated to another officer.
6. An enhanced CRB check for all LA governors must be undertaken every four years. If the CRB check reveals any disclosures, the DCS must consult with the LMCS before deciding whether to remove the person from the position of LA governor. This does not preclude the DCS from removing an individual from position of LA governor for any other reason.

Elected Members serving as Governors in other Capacities

1. On any parent, co-opted, foundation or community governor being subsequently elected as an Elected Member the DCS will confirm with the Clerk to the school or academy's governing body whether the individual has an up to date enhanced CRB check and if not, will request that the Clerk require the Elected Member to have the check. If necessary upon confirmation from the Clerk, the LA will carry out the check on behalf of the school or academy.
2. The LA will also request that the Clerk of the governing body requests any person who is a Harrow Council Elected Member and sits in a private capacity on the Trust or governing body of a maintained, Academy or Free school to have an enhanced CRB check. If necessary upon confirmation from the Clerk, the LA will carry out the check on behalf of the school or academy.
3. If the Clerk to the governing body of a school or Academy refuses to require this check the position will be referred back to the DCS to raise as a general safeguarding issue in relation to governor appointment processes within that school.
4. If the Elected Member, once required by the Clerk, declines to have a check carried out they are automatically disqualified from serving as a school or Academy governor.

The Process:

1. On any expression of interest, at any time, of being a LA governor or nominee a person will be required to have an enhanced CRB check prior to any consideration of an appointment or nomination.
2. Enhanced CRB checks will initially be undertaken by Democratic Services on receipt of all relevant information. The outcome of the checks will be shared with Governor Services and Shared Services.
3. On a date to be agreed between the Director of Legal & Governance Services and the Divisional Director of QACS, the responsibility for undertaking enhanced CRB checks for all LA appointed or nominated Governors will be transferred to Governor Services.
- 4.
5. Democratic Services, Shared Services and Governor Services will liaise to ensure that:
 - a. Enhanced CRB checks are undertaken for all prospective LA governors
 - b. The Register of Interests of Elected Members is up to date
 - c. Governor Services maintains an accurate list of LA governors and their CRB status
 - d. CRB Checks are recorded on SAP by Shared Services
6. The Clerk to the Governing Body, either directly or through the school offices, will be informed of the CRB check outcome and the number and date of the check will be forwarded to them.
7. Harrow Council will accept an enhanced CRB check carried out by a maintained, Academy or Free school for a LA Governor on the following conditions:
 - (a) The Enhanced check is no more than 4 years old
 - (b) The reference number and date is provided
 - (c) The Enhanced check does not reveal any disclosures
8. Once the rules on CRB checks are changed to provide portability of checks and the provision of the check to the individual as opposed to the organisation, the Council will accept an enhanced CRB check from an individual provided it is no more than 4 years old and is the original copy.

The LA will explore whether it is permissible to accept enhanced CRB checks from other private or public bodies for this purpose.

FOR INFORMATION

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Background Papers: Urgent Decision Forms