

# Managing the membership of the board

## A 10 step approach to recruiting governors or trustees

### Step 1 – Confirm the type of school organisation

Unless you already know, you can find out by asking a member of the school leadership team, checking the constitutional documents or sources like GIAS or Ofsted.

### Step 2 – Confirm the minimum and maximum member numbers for the board

The position is different for all boards so you will need to check the relevant constitutional documents:

Maintained schools: instrument of government

SAT – current articles of association

MAT trust board - current articles of association

MAT academy committee - current articles of association and terms of reference

### Step 3 – Confirm the board member categories and how many of each there should be on the board

In LA maintained schools you can check the categories and numbers of governors in the instrument of government. It should be consistent with the requirements in the 2012 Regulations which currently require at least the headteacher (unless s/he resigns the office), one staff governor, one local authority governor and at least two parent governors; they also allow for other co-opted governors as the governing body considers necessary. In foundation and voluntary schools there must be at least a further partnership or foundation governor but the exact number will depend on the circumstances.

In academy trusts the board of trustees will have the categories and number stated in the articles of association. In academy committees, the categories and number will be in the articles of association, scheme of delegation and any terms of reference. If the trust has another body associated with it, for example a Diocese, then that body will usually be given the power under the articles to appoint a certain number of foundation or sponsor trustees.

### Step 4 – Find out if there are any specific qualification or disqualification requirements

In LA maintained schools or federations, provided that a person is not disqualified for any of the reasons in Schedule of the 2012 Regulations they are appointable.

In academy trusts, provided that a person is over 18 and is not disqualified from being a trustee under company law or under the articles of association, they can be appointed as a trustee.

In academy committees, company law does not apply so in theory a person may be appointable to an academy committee but not to the trust board.

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### Step 5 – Confirm when you will need to appoint new board members by

Timescales vary depending on the category of governor or trustee. An election process for a parent governor or trustee will take much longer than a co-opted governor or trustee being appointed by the governing board. You will therefore need to have a good grasp on likely timescales for all types of appointment so you can advise and plan accordingly.

### Step 6 – Confirm who has the right to appoint new board members

This can vary depending on the governor or trustee category. Check the constitutional documents and in academy trusts it is vital to check not only the articles but also the scheme of delegation and the terms of reference.

### Step 7 – Check the appointment process and how long you need to allow for the process to be completed

The process and how long it takes will depend on the school organisation type and the category of the governor or trustee. Check the position for each appointment using the relevant documentation and rules. You will also need to check with the relevant foundation or sponsor for their timescales if this is applicable to your setting.

### Step 8 – Start the appointment process

Once you have worked out what the vacancy is, who has the power to appoint the category of governor or trustee, if the person is eligible and what the process for appointment is, you can actually get on and start the process.

### Step 9 – Monitor the appointment process

For all types of appointment you will need to check that any eligibility considerations have been met, DBS checks made and the person understands when their appointment starts and what this actually means.

### Step 10 – Complete the appointment process

For board appointed governors or trustees, this will start with the decision by the board to appoint. For other organisation appointments, this will be the receipt of a formal confirmation of their appointment which in turn needs to be acknowledged at the next board meeting. There are also numerous actions which need to be completed before the meeting or shortly afterwards (see the separate checklist in resources)