



# Additional Guidance on the use and appointment of Associate Members



## **Additional Guidance on the Use and Appointment of Associate Members**

We receive a great number of queries about the appointment of Associate Members. This note provides guidance on their use and appointment on local governing bodies.

### **Terminology**

Quite often, they are referred to incorrectly as Associate Governors. It's important that we get this right as they are not governors in the true sense and therefore they should be referred to as Associate Members.

### **When to consider the use of Associate Members**

Associate Members must not be seen as a means of 'adding' people to the local governing body and their use should be sparing. Thought must be given to why they are specifically needed by that local governing body at that time. Any appointments should really only be short term, should be for a specific role and should be reviewed regularly.

That said, Associate Members can be a valuable addition particularly if a skill or knowledge gap has been identified and it is unable to be filled by a serving governor. However, if the skills or knowledge gap relates to a core function of the local governing body then the local governing body should be working with the CMAT and the NRCDES to find a longer term solution rather than relying on an Associate Member.

The role can be also be used to introduce prospective governors to the workings of the local governing body as it gives the individual first-hand experience of how their skills will be applied and allows other governors to determine whether the individual has the necessary skills to be appointed as a full governor. In this case, the advice would be to limit the appointment to 1 or 2 terms maximum and it is always possible to simply invite them to attend 1 or 2 meetings as 'observers' rather than having to appoint them as Associates.

### **Role**

An Associate Member is entitled to attend local governing body meetings but does not have a vote. Associate Members can also be excluded from local governing body meetings when discussions relate to individual members of staff or pupils. However, they can be used on local governing body panels relating to staff discipline, grievances or recruitment.

Although Associate Members are not governors, they are part of the governance arrangements and as such, the publication requirements relating to term of office, business interests and attendance record apply to them.

### **Appointment and Removal**

If considering the appointment of an Associate Member, the school will contact the CMAT who in turn will discuss with NRCDES. If agreed, the school will be informed and the length of the term of office and the role for the Associate will be agreed.

The same eligibility and Child Workforce checks apply to Associate Members as those applying to be a Foundation or Parent Governor. The school must ensure that a full (enhanced) Child Workforce check, barred list and SI28 check has been completed before appointment. The school must also ensure that the prospective Associate Member has signed a declaration of eligibility (see Annex A). The term of office will not commence until after the declaration of eligibility has been returned and the Child Workforce checks have been satisfactorily completed.

The Associate Member can be removed at any time by the local governing body if the requirement for the position has ceased but also on the direction of the CMAT or the NRCDES.

The Associate Member will be informed that the Governors' Code of Conduct also applies to them.

### **Alternative Approach to Associate Members**

If the local governing body has a particular issue on which they would like an outside/expert view, they can simply invite someone to a meeting to give the benefit of their views and guidance. Formal appointments as Associates are not required.

This is particularly relevant to staff. Staff should not be appointed as Associate Members as it compromises the governance principle of the local governing body holding the school team to account. However, input from the professionals in the school is vital and should be used by the governors on a regular basis. This should be done routinely and straightforwardly by simply inviting specific staff to attend and input into the relevant part of the meeting.

### **Contacts for Further Advice**

Neil Weightman 01332 293833 ext 211 [neil.weightman@nottingham-des.org.uk](mailto:neil.weightman@nottingham-des.org.uk)

Julie Sweeney 01332 293833 ext 202 [julie.sweeney@nottingham-des.org.uk](mailto:julie.sweeney@nottingham-des.org.uk)

Website: [www.dioceseofnottingham.uk/education](http://www.dioceseofnottingham.uk/education)

## **Governor/Associate Member Confirmation of Eligibility**

Grounds for disqualification fall into three broad categories:

- **general grounds;**
- **grounds that apply to particular categories of governor; and**
- **grounds that arise because of particular failings or actions on the part of the governor/associate member.**

All the grounds for disqualification apply also to associate members except that associate members can be registered pupils at the school and can be under 18.

### **General grounds**

- Registered pupils cannot be governors
- A governor must be aged 18 or over at the time of election or appointment
- A person cannot hold more than one governor post at the same school at the same time

### **Grounds that apply to particular categories of governor**

A person is disqualified from being a foundation governor if they are:

- not a practising Catholic (unless granted special dispensation from the Bishop of Nottingham - arranged through the NRCDES);
- an employee of the CMAT working at the school;
- closely related to an employee of the CMAT working in a position of influence at the school (NRCDES will determine if this applies);
- aged under 18 and/or are a registered pupil at the school.

A person is disqualified from being a parent governor if they are:

- an elected member of the LA or;
- paid to work at the school for more than 500 hours (i.e. for more than one-third of the hours of a full-time equivalent) in any consecutive twelve month period (at the time of election or appointment).

### **Grounds that arise because of particular failings or actions on the part of the governor/Associate Member**

A person is disqualified from being a governor or Associate Member of a particular school if they have failed to attend the meetings of the local governing body of that school for a continuous period of six months beginning with the date of the first meeting they failed to attend, without the consent of the local governing body. *This does not apply to foundation governors appointed by virtue of their office (parish priests).*

A foundation governor at the school who is disqualified for failing to attend meetings is only disqualified from being a governor of any category at the school during the twelve month period starting on the date on which they were disqualified.

A person is disqualified from holding or continuing to hold office if that person:

- is the subject of a bankruptcy restrictions order or an interim order, debt relief restrictions order, an interim debt relief restrictions order or their estate has been sequestrated and the sequestration has not been discharged, annulled or reduced is subject to a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986, a disqualification order under Part 2 of the Companies (Northern Ireland) Order 1989, a disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002, or an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order);
- has been removed from the office of charity trustee or trustee for a charity by the Charity Commission or Commissioners or High Court on grounds of any misconduct or mismanagement, or under section 34 of the Charities and Trustee Investment (Scotland) Act 2005 from being concerned in the management or control of any body;
- is included in the list of teachers or workers considered by the Secretary of State as unsuitable to work with children or young people;
- is barred from any regulated activity relating to children;
- is disqualified from working with children or from registering for childminding or providing day care;
- is disqualified from being an independent school proprietor, teacher or employee by the Secretary of State;
- has been sentenced to three months or more in prison (without the option of a fine) in the five years before becoming a governor or since becoming a governor;
- has received a prison sentence of two years or more in the 20 years before becoming a governor;
- has at any time received a prison sentence of five years or more;
- has been fined for causing a nuisance or disturbance on school premises during the five years prior to or since appointment or election as a governor;
- refuses a request by the clerk to make an application for a Child Workforce check.

Anyone proposed or serving as a governor or Associate Member who is disqualified for one of these reasons must notify the clerk to the local governing body.

I declare none of the above circumstances will disqualify my eligibility to continue in the role of governor/Associate Member.