

MAYOR AND CABINET			
Report Title	Local Authority Governor Appointment		
Key Decision	No	Item No.	
Ward	Forest Hill		
Contributors	Executive Director for Children and Young People Head of Law		
Class	Part 1	Date:	22 October 2014

1. Summary

- 1.1 In May 2014, amendments to the School Governance (Constitution) (England) Regulations 2012 and the School Governance (Federations) (England) Regulations 2012 were made and laid before Parliament. The Department for Education (DfE) also published statutory guidance on the constitution of maintained schools which governing bodies and Local Authorities must have regard to.
- 1.2 The amendments require all governing bodies of maintained schools to be constituted under the 2012 Constitution Regulations or the 2012 Federation Regulations, as appropriate, by 1 September 2015.
- 1.3 The Constitution Regulations are the ones that determine the size and membership of governing bodies. We are currently working to two different sets of Regulations in maintained schools. Most governing bodies in Lewisham are still constituted under the 2007 Regulations and for these schools, up until they reconstitute, the Local Authority still appoints Local Authority governors.
- 1.4 Those governing bodies who have already reconstituted do not need to go through the reconstitution process but need to be mindful of the new skills based criteria when filling 'appointed' governor places and for the Local Authority governor position, the Local Authority would nominate a governor for "appointment" by the governing body.
- 1.5 Officers are currently working closely with all schools to manage the transition effectively within the timeframes.
- 1.6 This report is to request an appointment of a Local Authority governor as the school has not yet reconstituted.

2. Purpose

- 2.1 To consider and approve the appointment of the Local Authority governor detailed in paragraph 6 below.

3. Recommendation/s

The Mayor is recommended to:

- 3.1 agree to appoint Barbara Heathcote as Local Authority governor to Holy Cross Catholic Primary School;
- 3.2 note the information concerning the recommended governor in Appendix 1.

4. Policy Context

- 4.1 Lewisham's Children & Young People's Plan sets out our vision for improving outcomes for all children. The main purpose of a governing body is to account for the achievement of children and young people in their schools.
- 4.2 The appointment of governors supports the broad priorities within Lewisham's Sustainable Community strategy, in particular those of being "ambitious and achieving" and "empowered and responsible". Governors help inspire our young people to achieve their full potential and they also promote volunteering which allows them to be involved in their local area.
- 4.3 Two specific corporate priorities that are relevant pertain to "community leadership and empowerment" and "young people's achievement and involvement".

5. Background

- 5.1 Every governing body, under Section 19 of the Education Act 2002 and School Governance (Constitution) (England) Regulations 2007, is required to have at least one representative of the Local Authority as part of its membership. Free schools and Academies are exempt from this requirement. A vacancy has arisen on the governing body of the educational establishment listed and a new appointment is required.
- 5.2 Appointments to school governing bodies are usually for a four-year term, unless stipulated otherwise in the Instrument of Government. The person listed in paragraph 6 would serve the normal 4 years.

6. Governor recommended for Appointment as Local Authority governor.

Name	School	Re-appointment
Barbara Heathcote	Holy Cross Catholic Primary School	Yes

7. Financial implications

7.1 There are no financial implications arising from this report.

8. Legal implications

8.1 Section 19 of the Education Act 2002 and School Governance (Constitution) (England) Regulations 2007 require every governing body to have at least one representative of the Local Authority as part of its membership. Academies are exempt from this requirement.

8.2 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

8.3 In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

8.4 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

8.5 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet

the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

<http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

8.6 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

8.7 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

9 Crime and Disorder Implications

9.1 There are no specific crime and disorder implications arising from this report.

10. Equalities Implications

10.1 Lewisham Council's policy is to encourage all sections of the community to be represented as Local Authority governors. In particular, we would encourage further representation from the black community and minority groups including disabled people, who are currently under-represented as governors. The numbers of governors in these groups is kept under review

11. Environmental Implications

11.1 There are no specific environmental implications arising from this report.

12. Conclusion

12.1 The individual detailed in Appendix 1 views being a governor as a way of utilising their skills and experience to make a difference to the lives of

children and young people in Lewisham schools. Section 19 of the Education Act 2002 and Regulations made under it require every governing body to have at least one representative of the Local Authority as part of its membership. Academies are exempt from this requirement. A vacancy has arisen on the governing body of the educational establishment listed and a re-appointment is required.

- 12.2 Appointments to school governing bodies are usually for a four-year term, unless stipulated otherwise in the Instrument of Government. The nominee listed in paragraph 6 would serve the normal 4 years.

Background Documents

There are no background papers.

If there are any queries arising from this report, please contact Suhaib Saeed, Strategic Lead Governors' Services and School Leadership, Governors' Services, 3rd Floor, Laurence House, telephone 020 8314 7670

New LA Governor Appointments and Re-appointments					APPENDIX 1
Name	School	Occupation	Residential Area	Précis of Suitability and Skills to be considered as a school governor	Governor Monitoring Information
Barbara Heathcote	Holy Cross Catholic Primary School	Wife and Mother	SE6	Barbara has been a governor for the last 10 years, originally as a parent governor and for the last 4 as the Local Authority governor including the last 2 years as Chair of governors at the school. Her skills include governance, recruitment, drafting policies, financial monitoring, and dealing with premises issues. She usually visits the school once a week and meets regularly (at least once a fortnight) with the Head teacher to keep up to date with events within the school. The governing body are seeking her re-appointment.	Female White British