

MAYOR AND CABINET			
Report Title	Local Authority Member Appointment		
Key Decision	No	Item No.	
Ward	Lee Green , Ladywell		
Contributors	Executive Director for Children and Young People Head of Law		
Class	Part 1	Date:	3 December 2014

1. Summary

- 1.1 This report is to request an appointment of a Local Authority appointed member to the Abbey Manor College Management Committee. Abbey Manor College is Lewisham's Pupil Referral Unit.

2. Purpose

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

3. Recommendation/s

The Mayor is recommended to:

- 3.1 agree to appoint Councillor Jim Mallory as a Local Authority appointed member to the Abbey Manor College Management Committee. Abbey Manor College is Lewisham's Pupil Referral Unit .
- 3.2 note the information concerning the recommended member 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.
- 4.2 Regulations require Local Authorities to establish management committees to run Pupil Referral Units in their area, to make provision for the constitution (including composition) and procedures of management committees, and to delegate specific powers to management committees. The management committee must have a strategic role setting out and monitoring the aims and objectives of the unit to ensure children are safe, have their needs met and receive a good standard of education.

5. Background

- 5.1 A school established and maintained by Local Authorities to provide suitable education for children who, by reason of illness, permanent exclusion or otherwise, may not receive such education is known as a Pupil Referral Unit. Lewisham has one secondary Pupil Referral Unit – Abbey Manor College. The Pupil Referral Unit is split on two sites catering for Key Stage 3 and 4 provision. In addition, there is a 6th Form.
- 5.2 The Education (Pupil Referral Units) (Management Committees etc.) (England) Regulations 2007 as amended by the Pupil Referral Units (Miscellaneous Amendments) (England) Regulations 2012, specify the composition of management committees and provide that the number of community members must outnumber all the other members of the management committee.
- 5.3 The Education (Pupil Referral Units) (Management Committees etc.) (England) Regulations 2007(as amended) also requires that the “authority appointed member” be a person who is appointed as a member by the authority (other than a staff member, a community member, or a sponsor member appointed by the authority).
- 5.4 There must be no fewer than 7 members on a management committee and the maximum permitted is 20 members (disregarding any sponsor members). The proportions of places allocated to each of the categories are as follows:

Community members: the number of places must exceed all other members by one or more;

Parent members: at least one place but no more than one-fifth;

Staff members: at least one place, but no more than one-third, including the teacher-in-charge (In practice this will be the Executive Headteacher);

Local Authority members: at least one place, but no more than one-third; and;

In addition, the management committee may appoint one or two Sponsor members. Sponsor members are persons who give substantial assistance to the Pupil Referral Unit, financially or in kind, or who provide services to the Pupil Referral Unit. This is an optional category.

5.5 The current membership of the management committee is as follows:-

Category	Numbers	Members
Community	8	Steve Grant Mike Keogh Jacqui O'Connor Barbara Williams Sid Hughes Jorge Rubio Nava 2 vacancies
Parent	2	Both vacant
Staff	3	Liz Jones (Executive Head Teacher) Nancy Stanger Phil Stutely
LA	2	Councillor Jim Mallory (to be appointed) 1 vacancy

5.6 The term of office of the Local Authority member highlighted in paragraph 6 below has ended and the management committee would like to have the individual re-appointed to the management committee.

6. Individual recommended for Appointment as Local Authority member.

Name	School	Re-appointment
Councillor Jim Mallory	Abbey Manor College (Pupil Referral Unit)	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 1996 requires Local Authorities to make arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them. Any school established and maintained by a Local Authority which is specifically organised to provide education for such pupils is known as a Pupil Referral Unit.

The legal requirements in relation to the composition of a management committee for a Pupil Referral Unit are set out at Paragraph 5 of this Report.

- 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 The category of community member, the largest category, gives the management committee the necessary flexibility to ensure that the committee is representative of the community it serves.

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 member of the management committee as a way of utilising their skills and experience to make a difference to the lives of children and young people in Lewisham schools.
- 12.2 Appointments are usually for a four-year term, unless stipulated otherwise in the Instrument of Government. The individual listed in paragraph 6 would serve the normal 4 years.

Background Documents

<u>Short Title of Document</u>	<u>Date</u>	<u>File Location</u>	<u>Contact Officer</u>
The Education (Pupil Referral Units) (Management Committees etc.) (England) Regulations 2007 No. 2978	2007	http://www.legislation.gov.uk/uksi/2007/2978/contents/made	Suhaib Saeed
The Pupil Referral Units (Miscellaneous Amendments) (England) Regulations 2012 No. 1825	2012	http://www.legislation.gov.uk/uksi/2012/1825/made	Suhaib Saeed

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

APPENDIX 1

Name	School	Occupation	Residential Area	Précis of Suitability and Skills to be considered as a Local Authority member of the management committee	Monitoring Information
Councillor Jim Mallory	Abbey Manor College (Pupil Referral Unit)	Retired, local councillor 1986-2002, 2010-present	SE12	<p>Writing and negotiating skills from career in journalism and trades unionism.</p> <p>20 years as a local councillor, posts held include Chair of Education Committee, Leader of the Council. Vice chair of Malory secondary school for two years. Chair of Abbey Manor since 2006.</p>	Male White British