

<b>MAYOR AND CABINET</b>			
<b>Report Title</b>	Local Authority Governor Nomination		
<b>Key Decision</b>	No	Item No.	
<b>Ward</b>	Downham		
<b>Contributors</b>	Executive Director for Children and Young People Head of Law		
<b>Class</b>	Part 1	Date:	15 July 2015

## **1. Summary**

- 1.1 In May 2014, amendments to the School Governance (Constitution) (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. The most recent version of this Guidance was issued in March 2015.
- 1.2 The amendments require all governing bodies of maintained schools to be constituted under the 2012 Constitution Regulations by 1 September 2015.
- 1.3 The Constitution Regulations 2012 are the ones that determine the size and membership of governing bodies. Previously the Local Authority was able to appoint Local Authority governors to governing bodies, however amendments to the Regulations now permit a Local Authority only to nominate such a person, it will be a matter for the governing to appoint. For the Local Authority governor position, the Local Authority would nominate a governor for "appointment" by the governing body.
- 1.4 This report is to request the nomination of a Local Authority governor for a school with a Local Authority governor vacancy .

## **2. Purpose**

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

### **3. Recommendation/s**

The Mayor is recommended to:

- 3.1 agree to nominate the person set out in paragraph 6 as a Local Authority governor;
- 3.2 note the information concerning the recommended nominated 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 Under Section 19 of the Education Act 2002 and School Governance (Constitution) (England) Regulations 2007, every governing body is required to have at least one representative of the Local Authority as part of its membership. Governing bodies reconstituted under The School Governance (Constitution) (England) Regulations 2012 only allows for one Local Authority governor. Free schools and Academies are exempt from this requirement.
- 5.2 The Constitution Regulations 2012 highlight the importance of governors having the appropriate skills to contribute to the effective governance and success of the school.
- 5.3 The suggested nominee has the requisite skills and experience required to be effective in their role as a Local Authority nominated governor.
- 5.4 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.

5.5 A vacancy has arisen on the governing body of the school listed in paragraph 6 and a nomination is required. 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 if appointed. Appendix 1 highlights the skills and experience that the individual possesses which will enable them to be effective members of a governing body. Both the Chair of governors and Headteacher of the school support the nomination of the candidate.

**6. Governor recommended for Nomination as Local Authority governor (for governing bodies constituted under the School Governance (Constitution) (England) Regulations 2012 .**

<b>Name</b>	<b>School</b>
Stephen Kenny	Good Shepherd Catholic Primary

**7. Financial implications**

7.1 There are no financial implications arising from this report.

**8. Legal implications**

8.1 Sections 19 and 24 of the Education Act 2002 and School Governance (Constitution) (England) Regulations 2012 require every governing body to have at least one representative of the Local Authority as part of its membership. Governing bodies reconstituting under The School Governance (Constitution) (England) Regulations 2012 only allows for one Local Authority governor. 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 School Governance (Constitution) (England) Regulations 2007 made under it require every governing body to have at least one representative of the Local Authority as part of its membership. Governing bodies reconstituting under The School Governance (Constitution) (England) Regulations 2012 only require one Local Authority governor. Academies are exempt from this requirement. A vacancy has arisen on the governing body of the school listed and a nomination 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 person 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, 3<sup>rd</sup> Floor, Laurence House, telephone 020 8314 7670

LA Governor nominations					APPENDIX 1
Name	School	Occupation	Residential Area	Précis of Suitability and Skills to be considered as a school governor	Governor Monitoring Information
Stephen Kenny	Good Shepherd Catholic Primary	Heritage Advisor	SE12	<p>Stephen is Chair of Grove Park Community group, Chair of Grove Park Neighbourhood Forum and co-founder of the Baring Trust.</p> <p>Stephen brings a lifetime of skills built whilst working in the Arts and creative industries at home and overseas.</p> <p>Business skills, fund raising skills and people skills have been key to his recent community work within the Grove Park and Downham area.</p>	<p>Male</p> <p>Mixed White and Asian</p>