

<b>MAYOR AND CABINET</b>			
<b>Report Title</b>	Local Authority Governor Nomination and Authority Appointed Member Appointment		
<b>Key Decision</b>	No	Item No.	
<b>Ward</b>	Lewisham Central, Lee Green, Ladywell		
<b>Contributors</b>	Executive Director for Children and Young People Head of Law		
<b>Class</b>	Part 1	Date:	21 November 2018

## 1. Summary

- 1.1 In May 2014, amendments to the School Governance (Constitution) (England) Regulations 2012 (The Constitution 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 September 2016.
- 1.2 The Constitution Regulations 2012 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, with it being a matter for the governing body to appoint. For the local authority governor position, the local authority nominates a governor for “appointment” by the governing body.
- 1.3 For Pupil Referral Units, the Education (Pupil Referral Units) (Management Committees etc.) (England) Regulations 2007 specify the composition of management committees and states that “authority appointed member means 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 under regulation 5(b))”
- 1.4 The Pupil Referral Units (Miscellaneous Amendments) (England) Regulations 2012 which came into force on 1 September 2012 require that the management committee must first seek to appoint representatives from local schools to the community places. Pupil Referral Units must also have at least one but no more than one third authority appointed members.

- 1.5 This report is to request the nomination of a local authority governor for the maintained school listed in paragraph 6 below and the appointment of an authority appointed member to the Pupil Referral Unit listed in paragraph 6 (b) below.

## **2. Purpose**

- 2.1 To consider and approve the nomination of the proposed local authority governor detailed in paragraph 6 below.
- 2.2 To consider and approve the appointment of the proposed authority appointed member detailed in paragraph 6b below.

## **3. Recommendation/s**

The Mayor and Cabinet is recommended to:

- 3.1 note the information concerning the recommended nominated governor in Appendix 1.
- 3.2 note the information concerning the recommended authority appointed member in Appendix 1.
- 3.3 Agree to nominate the person set out on paragraph 6 as a local authority governor.
- 3.4 Agree to appoint the person set out in paragraph 6b as an appointed authority member.

## **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 2012, 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, as amended by The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016, only allows for one local authority governor. Free schools and Academies are exempt from this requirement.
  - 5.2 The Constitution Regulations 2012 and associated Guidance highlight the importance of governors having the appropriate skills to contribute to the effective governance and success of the school.
  - 5.3 The Education (Pupil Referral Units) (Management Committees etc.) (England) Regulations 2007 as amended by The Pupil Referral Units (Miscellaneous Amendments) (England) Regulations 2012, require that Pupil Referral Units must have at least one but no more than one third authority appointed members.
  - 5.4 The suggested nominees have the requisite skills and experience required to be effective in their role as a local authority nominated governor and authority appointed member respectively.
  - 5.5 A local authority governor vacancy will arise on the governing body of the school listed in paragraph 6. Appointments to school governing bodies are usually for a four-year term, unless stipulated otherwise in the Instrument of Government. The individual set out in paragraph 6 would serve the normal 4 years if appointed. The governing body of the respective school would like to appoint them to the role of local authority governor at the next governing body meeting and thus a nomination is required to enable this to happen.
  - 5.5 An appointed authority member vacancy will arise on the management committee of the Pupil Referral Unit listed in paragraph 6a. Appointments to management committees are usually for a four –year term. The individual set out in paragraph 6b would serve the normal 4 years if appointed. The management committee of the respective Pupil Referral Unit would like to have them appointed to the role of appointed authority member and thus an appointment is required to enable this to happen.
  - 5.6 Appendix 1 highlights the skills and experience that the individuals possess which will enable them to be an effective member of a governing body and management committee respectively.
- 6a Candidate recommended for Nomination as a local authority governor for governing bodies constituted under the School Governance (Constitution) (England) Regulations 2012.**

<b>Name</b>	<b>School</b>
Maik Sperling	St Saviour's R.C

- 6b. Candidate recommended for Appointment as an authority appointed member for a Pupil Referral Unit constituted under the Education (Pupil Referral Units) (Management Committees etc.) (England) Regulations 2007 as amended by The Pupil Referral Units (Miscellaneous Amendments) (England) Regulations 2012.**

<b>Name</b>	<b>School</b>
Jim Mallory	Abbey Manor College

## **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 the School Governance (Constitution) (England) Regulations 2012( as amended) requires every governing body of a maintained school to have one representative of the local authority as part of its membership.
- 8.2 The Education (Pupil Referral Units) (Management Committees etc.) (England) Regulations 2007 as amended by The Pupil Referral Units (Miscellaneous Amendments) (England) Regulations 2012 requires every Pupil Referral Unit to have at least one but no more than one third authority appointed members.

### Equalities Legislation

- 8.3 The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.4 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.

- 8.5 It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed at 8.4 above.
- 8.6 The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.
- 8.7 The Equality and Human Rights Commission has 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:  
<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>  
<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>
- 8.8 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
- [The essential guide to the public sector equality duty](#)
  - [Meeting the equality duty in policy and decision-making](#)
  - [Engagement and the equality duty: A guide for public authorities](#)
  - [Objectives and the equality duty. A guide for public authorities](#)
  - [Equality Information and the Equality Duty: A Guide for Public Authorities](#)

- 8.9 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:

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

## **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 ensure that all sections of the community are to be represented on school governing bodies. It is a priority for the new Mayor to encourage further representation from the black communities and groups with protected characteristics, who are currently under represented as governors. The numbers of governors in these groups is kept under review and we will consider options for encouraging recruitment so that our governors better reflect our diverse borough. This priority is part of the LA Strategic Review of Governance which is being carried out this summer and autumn term and will be reported in November/December 2018.

## **11. Environmental Implications**

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

## **12. Conclusion**

- 12.1 The individuals detailed in Appendix 1 view being a governor and appointed authority member 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.
- 12.2 The Education (Pupil Referral Units) (Management Committees etc.)

(England) Regulations 2007 as amended by The Pupil Referral Units (Miscellaneous Amendments) (England) Regulations 2012 require every Pupil Referral Unit Management Committee to have at least one authority appointed member.

- 12.3 Appointments to school governing bodies and management committees are usually for a four-year term, unless stipulated otherwise in the Instrument of Government. The persons listed in paragraph 6 and 6b 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, Service Manager – Services to Schools, 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
Maik Sperling	St Saviour's R.C.	Self-employed management consultant	SE 13	Mr. Sperling has extensive finance experience, with a particular focus on effective use of resources and process efficiency. He also has experience in data governance, information security and privacy. Mr Sperling possesses strong leadership and team working skills and experience in a wide range of diverse backgrounds. The school governing body are keen to have him nominated as their Local Authority governor.	Male White European
Jim Mallory	Abbey Manor College	Retired and Local councilor	SE12	Councillor Jim Mallory has over 24 years' experience as local councillor. He has 15 years' experience of being a school governor / management committee member. He is also the current chair of Abbey Manor College's management committee. The college would like to have him re-appointed as their authority appointed member.	Male White other