

| <b>MAYOR AND CABINET</b> |   |          |                  |
|--------------------------|---|----------|------------------|
| <b>Report Title</b>      | Local Authority Governor Nomination                             |          |                  |
| <b>Key Decision</b>      | No  | Item No. |                  |
| <b>Ward</b>              | Catford South   |          |                  |
| <b>Contributors</b>      | Executive Director for Children and Young People<br>Head of Law |          |                  |
| <b>Class</b>             | Part 1  | Date:    | 15 February 2017 |

## 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 This report is to request the nomination of a Local Authority governor for the school listed in paragraph 6 below.

## 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 note the information concerning the recommended nominated governor in Appendix 1.

- 3.2 agree to nominate the person set out in paragraph 6 as a Local Authority governor.

#### **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 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 suggested nominee has the requisite skills and experience required to be effective in their role as a Local Authority nominated governor.
  - 5.3.1 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 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.

5.4 Appendix 1 highlights the skills and experience that the individual possess which will enable them to be an effective member of a governing body.

**6. Candidate 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>           |
|---------------|-------------------------|
| Levin Wheller | Torridon Infants School |

**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.

Equalities Legislation

8.2 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.

8.3 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 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 7.5 above.

- 8.5 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.
- 8.6 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>
- 8.7 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](#)
- 8.8 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 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.
- 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, Service Manager – School Services, 3<sup>rd</sup> Floor, Laurence House, telephone 020 8314 767

| 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 |
| Levin Wheller           | Torridon Infants | Civil Servant | SE6              | <p>Mr. Wheller has worked in the public sector for over 10 years as a social researcher and is currently employed at the College of Policing. He has a keen interest in public policy and the 'what works' agenda which is becoming increasingly important across government and in the provision of public services. He is keen to ensure that due attention is given to the existing evidence base in education (for example the Education Endowment Foundation, and cost-benefit work undertaken at the Washington State Institute for Public Policy) in making decisions about how money is spent.</p> <p>Mr. Wheller is a local resident and would like to put something back into the local community and has met with governors who are keen to appoint him. He has experience in managing budgets and project-related investment contracts.</p> | Male<br>White British           |