

Children and Young People's Select Committee			
Report Title	Review of Recruitment and Retention of School Staff: 6 month update		
Key Decision	No	Item No.	8
Ward	All		
Contributors	Angela Scattergood, Assistant Director, Education		
Class	Open	Date:	13 March 2019

1. Purpose of the paper

- 1.1. As part of its work programme the CYP Select Committee undertook an in-depth review into issues relating to the recruitment and retention of school staff between June 2017 and December 2017. In June 2018 the committee reported on its findings and made a series of recommendations.
- 1.2. This paper provides an update six months on from the publication of the report, on action taken and planned towards each of the recommendations, mainly from the Children and Young People Directorate.

2. Summary

- 2.1 This paper updates the committee on the actions taken following the CYP Select Committee's review.

3. Recommendation

- 3.1. The committee is recommended to comment on progress and note the report.

4. Update on progress on action taken/ planned towards recommendations

- 4.1. Please see Appendix One below for updates from the first six months for each of the 21 recommendations made by CYP Select Committee.
- 4.2. Some key points to note:
 - 4.2.1. A significant piece of work has been undertaken to develop 'Lewisham's commitment to managing teaching staff and support staff workload' (recommendation 7) through a working group of officers and headteachers, in consultation with teaching and support staff trade unions. It sets the context, identifies key principles and good practice, and proposes a commitment for headteachers and governors to

consider. This has been well received by stakeholders and will be finalised during March.

4.2.2. As the Lewisham Learning school improvement partnership develops, so do opportunities for professional development, career progression and support for teaching and support staff in schools. This is a theme running through many of the updates below- particularly in recommendation 3 update, where the development of the new Learning Hubs will provide opportunities for professional networking around crucial issues and recommendation 13 update which outlines support pathways for teachers through Lewisham Partnership of Teaching School Alliances (LTSAP)

4.2.3. Lewisham Learning and the LA have been working in partnership to develop Lewisham's Education Communications Strategy and Plan - April 2019/August 2020. Encouraging people to work in Lewisham schools is one of the three key strands of the strategy.

5. Financial implications

5.1. There are no specific financial implications arising from this report.

6. Legal implications

6.1. The legislative provisions relating to the appointment and dismissal of school staff is contained in sections 35 and 36 of the Education Act 2002 and the School Staffing Regulations 2009 (as amended). Local authorities with responsibility for education employ the staff working at community schools. The governing body is the employer of staff working at voluntary aided and foundation schools. Notwithstanding the local authority being the employer in community schools it is the governing body who has responsibility for all staffing matters including the appointment and dismissal of all staff and accordingly the local authority must generally follow the instructions given to it by the governing body in respect of appointments and dismissals.

6.2. The officer actions set out in the report appear consistent with the limitations on the local authority's powers in relation to staffing matters within maintained schools.

7. Equalities implications

7.1. 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.

7.2. 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 5.2. above.

7.3. 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.

7.4. 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>

7.5. 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

7.6. 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>

7.7. The council and schools have to balance the need to support staff recruitment and retention in shortage areas with the need to be fair to all staff and to promote equalities and all times. Of course the sufficiency and quality of education is an equalities issue for our wider population.

8. Crime and Disorder Implications

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

9. Environmental Implications

9.1. There are no specific environmental implications arising from this