

MAYOR AND CABINET			
Report Title	Local Authority Governor Nomination		
Key Decision	No	Item No.	
Ward	Sydenham		
Contributors	Executive Director for Children and Young People Head of Law		
Class	Part 1		10 July 2019

1. Summary

- 1.1 In May 2014, amendments to the School Governance (Constitution) (England) Regulations 2012 (The Constitution Regulations 2012) and the School Governance (Federations) (England) Regulations 2012 (The Federation 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 January 2019.
- 1.2 The Constitution Regulations 2012 and The Federation 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 proposed local authority governor detailed in paragraph 6 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 agree to nominate the person set out in paragraph 6 as local authority governor.

4. Policy Context

- 4.1 The report is consistent with the third priority identified in the 2018-2022 Corporate Strategy listed below.
- 4.2 “Giving children and young people the best start in life - Every child has access to an outstanding and inspiring education and is given the support they need to keep them safe, well and able to achieve their full potential.”

5. Background

- 5.1 Under Section 19 of the Education Act 2002 and School Governance (Constitution) (England) Regulations 2012, and section 24 of the Education Act 2002 and School Governance (Federations) (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, or the School Governance (Federations) (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 the Federation 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.
- 5.4 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 Appendix 1 highlights the skills and experience that the individual possesses 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.**

Name	School
Mr. Russell Ewens	Our Lady & St Philip Neri RC Primary

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) and section 24 of the Education Act 2002 and the School Governance (Federations) (England) Regulations 2012 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 8.3 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:

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 under the Council's new Corporate Strategy to recruit more ethnic minority governors to better reflect our diverse borough. This priority informs the LA Strategic Review of Governance. An action plan has been prepared and a Strategic Review of Governance Working Party are overseeing its implementation.

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 2012 and section 24 of the Education Act 2002 and School Governance (Federations) (England) Regulations 2012 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 –Services to Schools, 3rd 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
Russell Ewens	Our Lady & St Philip Neri RC Primary School	Civil Servant	SE15	<p>Mr Ewens is currently the LA nominated governor whose term of office is ending and the Governing Body are seeking his re-nomination. Mr Ewens has got to know the operation of the school over the last 4 years, and is currently chair of the resources committee and is keen to ensure that the financial management of the school is improved such that the school operates on the basis of a balanced budget in future years – a particular challenge in view of the potential for pupil numbers to reduce in the local demographic context.</p> <p>As a result of his work in the Department for Education he has an awareness of the steps that a school needs to take to manage within a constrained budget.</p>	Male White British