

Open Report on behalf of Heather Sandy, Executive Director for Children's Services

Report to:	Councillor Mrs P A Bradwell OBE, Executive Councillor for Children's Services, Community Safety and Procurement
Date:	2 – 3 December 2021
Subject:	Appointment of Education Charity (Representative) Trustees
Decision Reference:	I025138
Key decision?	No

Summary:

The report seeks approval for the appointment of representative trustees to five educational charities/foundations across Lincolnshire. These appointments will stand until the next Local County Council elections for Division Councillors who become a representative trustee and to 30 days after the 2025 election for representative trustees nominated by a Division Councillor.

A full list of education charities/foundations and the proposed representatives for appointment are attached in Appendix A.

Recommendation(s):

That the Executive Councillor for Children's Services, Community Safety and Procurement approves the appointment of the individuals listed in Appendix A as representative trustees for the Charities/Foundation as listed in Appendix A.

Alternatives Considered:

That the Council does not appoint representative trustees and vacancies remain open.

Reasons for Recommendation:

Recommendation allows for Local Authority representation in line with charity/foundation constitutions as confirmed by charity/foundation clerk and ensures that the Local Authority is compliant to the terms of the constitutions to provide a Local Authority representative trustee.

1. Background

Local Authority representative trustees are appointed in line with the Local Authority process which has been determined in line with the constitutions of educational charity/foundations. Therefore appointments are undertaken immediately after each Local County Council election cycle which equate to a four year appointment term.

There are 37 of educational charity/foundations in Lincolnshire with a combined total of 60 trustees.

The Local Authority representative trustee will be the publicly elected division County Councillor or their nominated representative.

A full list of charity/foundations and representatives is attached at Appendix A.

2. Legal Issues:

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

Compliance with the duties in section 149 may involve treating some persons more favourably than others.

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process.

There are not considered to be any Equality Act implications arising out of the decision to be taken.

Joint Strategic Needs Analysis (JSNA and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision.

This decision will enable the Educational Charities & Foundations within Lincolnshire to work within the local communities in which their schools are based and give funding for educational purposes to young people within their catchment area or alternatively the school within the catchment area additional resources, and also provide funding for pupils to go onto further education.

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.

This decision will enable the Local Authority to provide continued representation to Educational Charities and Foundations within Lincolnshire to support their communities.

3. Conclusion

It is recommended that the list of representative trustees as outlined in Appendix A is approved by the Executive Councillor in order to meet the requirements of a Local

Authority representative trustee on the named education charity/foundations as per Appendix A.

4. Legal Comments:

The Council has the power to make the appointments proposed.

The decision is consistent with the Policy Framework and within the remit of the Executive Councillor

5. Resource Comments:

There is no financial implication

6. Consultation

a) Has Local Member Been Consulted?

Yes

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

The decision has not been considered by a Scrutiny Committee

d) Risks and Impact Analysis

See the body of the report

7. Appendices

These are listed below and attached at the back of the report

Appendix A	List of Educational Charities and Foundations with names of proposed Local Authority Representative Trustee
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8. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Jo Trotter, who can be contacted on 01522 553357 or jo.trotter@lincolnshire.gov.uk