

MAYOR AND CABINET		
Report Title	Instruments of Government for the schools of the Brent Knoll and Watergate Trust	
Key Decision	Yes	Item No.
Ward	All wards	
Contributors	Executive Director for Children and Young People	
Class	Part 1	Date: 11 April 2012

1. Summary

- 1.1 The report outlines the steps taken by Brent Knoll and Watergate to become foundation schools and asks the LA to make the required new instruments of government.

2. Policy Context

- 2.1 Lewisham is committed to providing appropriate education to meet the needs of all children. The two schools have stated their commitment to 'working jointly with the Local Authority to administer the provision of pupil places within the requirements of the National Schools Admissions Code and specifically the SEN Code of Practice and will adhere to prevailing Local Authority admissions arrangements'. The schools consider that the proposed Trust is likely to contribute to raising standards at each school and promote community cohesion. The proposed change reflects the community strategy priority of 'raising educational attainment and improving facilities for young people through partnership working'.

3. Purpose

- 3.1 To seek agreement to the reconstitution of the governing bodies of Brent Knoll and Watergate Schools as foundation school governing bodies.

4. Recommendations

- 4.1 To make the instrument of government for
- i) the constitution of the governing body of Brent Knoll School as outlined in the instrument of government at Appendix A
 - ii) the constitution of the governing body of Watergate School as outlined in the instrument of government at Appendix B

5. Narrative

- 5.1 The 1986 Education Act allows local authority maintained schools to change their category to become a foundation school. On becoming a foundation school the governing body takes on extra responsibilities:

- building and land are transferred to the governing body;
- the governing body replaces the local authority as the employer;
- the governing body becomes responsible for its admissions arrangements.

- 5.2 A foundation school may be allied to a foundation; in which instance it is also referred to as a Trust school. Trust schools establish long term relationships with external partners and involve them in the school's governance and leadership and the Trust holds the school's land and buildings 'in trust' for the school.
- 5.3 Brent Knoll and Watergate governors decided to begin the process of becoming foundation schools supported by a charitable Trust – in this instance the Co-operative Trust. As the responsible body each governing body had to decide separately to proceed with a consultation. Watergate met on 28 June 2011 and Brent Knoll on 7 July 2011. The decision to become part of the Co-operative Trust reflects the results of an initial consultation which helped to define the type of Trust which was most closely aligned to the schools' vision, values and principles.
- 5.4 The proposed partners in the Trust are:
- Greenwich University
 - Lewisham Healthcare NHS Trust
 - Lewisham Local Authority
 - The Co-operative Movement
 - Wide Horizons Trust
- 5.5 The consultation began 9 November 2011 and ended on 9 December 2011. Consultation was wide and included pupils and parents/ guardians of the two schools, staff at both schools, governors of all special schools in Lewisham, all schools in Lewisham, the Local Authority and neighbouring LAs the YPLA (Young People's Learning Agency) and Local MPs and Councillors, local trade unions, local community groups, the PCT, CAMHS (children and adolescents mental health service).
- 5.6 Meetings were held for the parties closely affected – staff and parents of both schools. There was also a joint public consultation and a meeting with the Trade Unions. Pupils were consulted via the School Councils of the two schools.
- 5.7 At the end of the consultation period each governing body held a meeting to consider the report on the consultation before coming to a decision whether or not to proceed further. On 15 December 2011 the governing bodies meeting separately decided to form a Co-operative Trust and issue a Statutory Notice in order to give notice of the change to a Foundation category of school and adopt Trust status. The implementation day for the Trust is 2 April 2012.
- 5.8 Following the end of the statutory notice period the governing bodies met separately on 6 March 2012 to approve the change to a foundation

school with a trust and to agree the composition of their governing body.

5.9 The change of status requires a change to the structure of the governing bodies. The School Governance (Constitution) (England) Regulations 2003) states that at Foundation and Foundation Special Schools the governing body must comprise the following:

- one third or more must be parent governors
- at least two but no more than one third must be staff governors
- at least one but no more than one fifth must be LA governors
- one tenth or more must be community governors
- at least two but no more than 45% to be foundation governors

The governing body may in addition appoint up to two sponsor governors

5.10 The following table details the proposed structure of the governing bodies; these conform to the requirements of the Constitutional Regulations

Category of Governor	Brent Knoll	Watergate
Local Authority	1	1
Parent	5	5
Staff	3	3
Community	3	3
Foundation	3	3
Total	15	15

6. Financial Implications

6.1 As Trust / Foundation Schools, Brent Knoll and Watergate governing bodies take on additional responsibilities as employers and as custodians of the land which transfers to them on change of status, however, funding arrangements remain unchanged. The schools will continue to be funded from the Dedicated Schools Grant and will be subject to the funding decisions of the Schools' Forum.

7. Legal Implications

7.1 The Education and Inspection Act 2006 grants schools the freedom to change their existing category of school to become trust / foundation schools. Regulations outline the necessary processes involved in becoming a foundation school. The schools have followed these processes and the proposed instrument are in line with Regulations.

8. Crime and Disorder Implications

8.1 There are no crime and disorder implications.

9. Equalities Implications

9.1 The schools see the formation of the Trust as providing the following benefits:

- Partnerships with external organisations will help the schools to develop more creative teaching and learning experiences at all levels and give access to wider learning opportunities for pupils.
- The schools will work with post 16 providers to offer a diverse post 16 education programme with strong transition links to adult services
- The development of extended schools and schools services throughout the year will provide support to the families of children with learning difficulties

10. Environmental Implications

10.1 There are no environmental implications.

11. Conclusion

11.1 The schools have undertaken all the statutory obligations involved in a change of status from 'community' school to 'foundation school with a trust'. As a new category of school both schools need to have new instruments of government to reflect their new status. The proposed models are in line with the legal requirements and can therefore be made.

Background Documents and Originator

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Background Documents:

Articles of Association Brent Knoll and Watergate Co-operative Trust

Education and Inspection Act 2006

The School Governance (Constitution) (England) Regulations 2007

INSTRUMENT OF GOVERNMENT: FOUNDATION SPECIAL SCHOOLS

1. The name of the school is Brent Knoll School
2. The school is a foundation special school
3. The name of the governing body is "The governing body of Brent Knoll School."
4. The governing body shall consist of:
 - a). 5 parent governors;
 - b) 1 Local Authority governor
 - c) 3 staff governors (including the Headteacher)
 - d) 3 community governors
 - e) 3 foundation governors
5. Total number of governors 15
6. The Co-operative Trust is entitled to appoint foundation governors.
7. The school has a Trust.
8. This instrument of government comes into effect on 25 April 2012
9. This instrument was made by order of Lewisham Local Education Authority on 11 April 2012
10. A copy of the instrument must be supplied to every member of the governor body (and the Headteacher if not a governor), and any trustees.

INSTRUMENT OF GOVERNMENT: FOUNDATION SPECIAL SCHOOLS

- 1.** The name of the school is Watergate School
- 2.** The school is a foundation special school
- 3.** The name of the governing body is "The governing body of Watergate School."
- 4.** The governing body shall consist of:
 - a). 5 parent governors;
 - b) 1 Local Authority governor
 - c) 3 staff governors (including the Headteacher)
 - d) 3 community governors
 - e) 3 foundation governors
- 5.** Total number of governors 15
- 6.** The Co-operative Trust is entitled to appoint foundation governors.
- 7.** The school has a Trust.
- 8.** This instrument of government comes into effect on 25 April 2012
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