

| MAYOR AND CABINET | | | |
|--------------------------|--|----------|--------------|
| Report Title | Making of Instrument of Government The Governing Body of The Brindishe Federation (including Lee Manor School name change to Brindishe Manor Primary School) | | |
| Key Decision | Yes | Item No. | |
| Ward | Lee Green , Lewisham Central | | |
| Contributors | Executive Director for Children and Young People Head of Law | | |
| Class | Part 1 | Date: | 25 June 2014 |

1. Summary

- 1.1 At joint and individual meetings of the governing bodies of Lee Manor School and The Brindishe Federation on the 19th March 2014, decisions were taken to form a hard federation from the 1st September 2014. As part of the process, a decision was also made to change the name of Lee Manor School to Brindishe Manor Primary School.
- 1.2 As a result, the governing body must be constituted in accordance with regulations made by virtue of section 19 of the Education Act 2002 namely The School Governance (Federations) (England) Regulations 2012.
- 1.3 The report sets out a new Instrument of Government for The Brindishe Federation , proposes a nominee for the appointment as the Local Authority governor by the governing body and highlights the name change of Lee Manor School to Brindishe Manor Primary School.

2. Purpose

- 2.1 To seek agreement to a new Instrument of Government for The Brindishe Federation.

3. Recommendation/s

The Mayor is recommended to:

- 3.1 Approve that the Instrument of Government for the federation listed below be made by Local Authority order:

The Brindishe Federation

1st September 2014

- 3.2 To consider and approve the nomination of the Local Authority governor detailed in paragraph 6 below for appointment by the governing body.
- 3.3 To approve the name change of Lee Manor School to Brindishe Manor Primary School.

4. Policy Context

- 4.1 Each school has to have an Instrument of Government. The Local Authority must satisfy itself that the Instruments of Government for schools conform to the legislation. The Local Authority must also agree its content.
- 4.2 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.
- 4.3 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.
- 4.4 Two specific corporate priorities that are relevant pertain to "community leadership and empowerment" and "young people's achievement and involvement".

5. Background

- 5.1 The School Governance (Federations) (England) (Regulations) 2012, 'the Regulations' allows two or more schools to federate under a single governing body.
- 5.2 The Regulations set out the arrangements for establishing statutory federations of governing bodies in maintained schools in England, the constitution of the federated governing body of those maintained schools, the procedures for a school to leave a federation and the procedures to dissolve the federation. They apply to federations which are established on or after 1 September 2012.
- 5.3 The governing bodies of the two community primary schools, Brindishe Lee and Brindishe Manor have been in a hard federation, known as The Brindishe Federation, since 1st September 2010 .
- 5.4 Lee Manor School went into a three-year partnership with The Brindishe

Federation in September 2011. The governors of Lee Manor School took the decision to partner with Brindishe Lee and Brindishe Green to ensure the best possible education for all their children.

- 5.5 Having followed the necessary process of consultation, the governing bodies of The Brindishe Federation and Lee Manor School have decided to proceed with a hard federation and informed the Local Authority on the 20th March 2014.
- 5.6 The governing bodies of The Brindishe Federation and Lee Manor School resolved to agree to the establishment, in accordance with the Regulations, of a hard federation which would now also include Lee Manor School. As part of the federation process the governing body consulted on whether Lee Manor School's name should change to Brindishe Manor Primary School.
- 5.7 In accordance with the School Governance (Roles, Procedures and Allowances) (England) regulations 2013, the decision to change the name was specified as a matter on the agenda for the governing body of Lee Manor School on 19 March 2014. Having considered the responses to the consultation the governing body agreed to change the name of Lee Manor School to Brindishe Manor Primary School.
- 5.8 The hard federation will continue to be known as The Brindishe Federation, with a single governing body of the following primary schools from 1 September 2014:-
 - Brindishe Green, Beacon Road, Hither Green, London, SE13 5JA
 - Brindishe Lee, Wantage Road, London, SE12 8NA
 - Brindishe Manor, Leahurst Road, SE13 5LS
- 5.9 The governing body of every federation must be constituted in accordance with the Regulations. The total membership of the governing body of a federation must be no fewer than seven governors.
- 5.10 The governing body of a federation must include the following:-
 - a) one parent governor elected or appointed in accordance with regulation 14 in respect of each school in the federation;
 - b) the headteacher of each federated school unless any such Headteacher resigns the office of governor in accordance with regulation 19 of the Constitution Regulations 2012 (N.B. *In the case of The Brindishe Federation this will be the Executive Headteacher*);
 - c) one staff governor; and
 - d) one Local Authority governor.
- 5.11 The governing body may in addition appoint such number of co-opted governors as they consider necessary provided that the requirements in the Regulations are met.

The total number of co-opted governors who are also eligible to be elected as staff governors under Schedule 3, must not exceed one-third of the total membership of the governing body.

- 5.12 The regulations now also state that the Local Authority governor is nominated by the Local Authority but appointed by the governing body.
- 5.13 Appendix 1 details the Instrument of Government the Local Authority is proposing to make by order.

6. Governor recommended for Nomination by the Local Authority .

- 6.1 Spyros Elia , details of whom appear at Appendix 2, is the Local Authority nominee for appointment as the Local Authority governor by the governing body of The Brindishe Federation.

7. Financial implications

- 7.1 There are no financial implications arising from this report.

8. Legal implications

- 8.1.1 Section 20 of the Education Act 2002 requires all maintained schools to have an Instrument of Government which determines the constitution of the school and other matters relating to the school.
- 8.1.2 Each school must have an Instrument of Government detailing the name of the school, the type of school and the membership of the governing body. The category of governor and the number in each category is specified in the Regulations.
- 8.1.3 The governing body can review the Instrument of Government at any time. Where the governing body requests a change to the Instrument of Government, the Local Authority must ensure that the Instrument of Government confirms to the principles laid out in the Regulations and must make a new Instrument of Government.
- 8.1.4 The Instrument of Government proposed for the governing body of The Brindishe Federation conforms to The School Governance (Federations) (England) Regulations 2012.

Equalities Legislation

- 8.2 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

8.2.1 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.

8.2.2 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

8.2.3 The Equality and Human Rights Commission has recently 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:

<http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

8.2.4 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

8.2.5 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: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

9. Crime and Disorder Implications

9.1 There are no specific crime and disorder implications.

10. Equalities Implications

10.1 Governors will have enough flexibility in their choice of constitutional models to enable them to address issues of representation of stakeholder groups and to ensure that governing bodies reflect the communities they serve.

11. Environmental Implications

11.1 There are no specific environmental implications.

Background Documents

| Short Title of Document | Date | File Location | Contact Officer |
|---|------|---|-----------------|
| The School Governance (Federation) (England) Regulations 2012 | 2012 | Governor' Services http://www.legislation.gov.uk/uksi/2012/1035/contents/made | Suhaib Saeed |
| School Governance (Roles, Procedures and Allowances) (England) Regulations 2013 | 2013 | http://www.legislation.gov.uk/uksi/2013/1624/made | Suhaib Saeed |

If there are any queries arising from this report, please contact Suhaib Saeed, Strategic Lead Governors' Services and School Leadership, 3rd Floor, Laurence House, telephone 020 8314 7670.

INSTRUMENT OF GOVERNMENT FOR FEDERATED GOVERNING BODIES

1. The name of the federation is: **The Brindishe Federation**
2. The names and categories of the schools in the federation are:

| Name | Category |
|--------------------|-----------|
| 1. Brindishe Lee | Community |
| 2. Brindishe Green | Community |
| 3. Brindishe Manor | Community |

3. The name of the Governing Body is: **'The governing body of The Brindishe Federation'**.
4. The Governing Body shall consist of the following.

| Category of governor (state where the term of office is less than four years) | No. of governors in each category | Name of school (For parent and foundation governors) | No. of governors for each school |
|--|-----------------------------------|--|----------------------------------|
| Parent governors | 3 | Brindishe Lee Primary School | 1 |
| | | Brindishe Green Primary School | 1 |
| | | Brindishe Manor Primary School | 1 |
| Executive Headteacher | 1 | | |
| Staff governor | 1 | | |
| LA governor | 1 | | |
| Co-opted governors | 6 | | |

5. Total number of governors: **12**
6. This instrument comes into effect on **1 September 2014**
7. This instrument was made by order of Lewisham Local Authority on **25 June 2014**
8. A copy of the instrument must be supplied to every member of the Governing Body (and the Headteacher if not a governor).

MAYOR AND CABINET**APPENDIX 2****New LA Governor Nominee**

| Name | School | Occupation | Residential Area | Précis of Suitability to be considered as a school governor | Governor Monitoring Information |
|-------------|--------------------------|---|-------------------------|---|--|
| Spyros Elia | The Brindishe Federation | Educational consultant (Previously deputy head in a Greenwich Secondary school) | SE12 | Mr Elia has been the Chair of Governors at Brindishe for over 18 years and has been Chair of Governors at Lee Manor through the 3 year partnership. During this time all three schools have become outstanding. He is a National Leader for Governance and in 2009 won the National Governor of the Year award. | Male White European |