

<b>MAYOR AND CABINET</b>			
<b>Report Title</b>	Making of Instrument of Government The Governing Body of Downderry School.		
<b>Key Decision</b>	Yes	Item No.	
<b>Ward</b>	Downham		
<b>Contributors</b>	Executive Director for Children and Young People Head of Law		
<b>Class</b>	Part 1	Date:	16.07.14

### **Reason for urgency**

This matter has not been included in the Council's Key Decision Plan. However, the decision must be taken by such a date that it is impracticable to defer it until after it has been included in the next Key Decision Plan and until the start of the period to which the next Key Decision Plan relates. The reason for this is that the governing body wish to have the Instrument of Government effective on the 1 September 2014 which is before the next Mayor and Cabinet meeting scheduled for the 3 September 2014. In accordance with the provisions of Regulation 10 The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, written notice has been given to the Chair of the Business Panel and made publicly available by posting at the Town Hall for 5 clear days and being made available on the Council Website.

### **1. Summary**

- 1.1 The report sets out a variation to the Instrument of Government for Downderry Primary School and proposes a nominee for the appointment as Local Authority governor by the governing body.
- 1.2 The Governing Body are reconstituting under the School Governance (Constitution) (England) Regulations 2012. Varying the current Instrument of Government will provide the governing body with the opportunity to appoint co-opted governors based on skills required.

### **2. Purpose**

- 2.1 To seek agreement to the variation of the Instrument of Government for Downderry Primary School

### **3. Recommendations**

The Mayor is recommended to:

- 3.1 Approve that the Instrument of Government for DOWDERRY Primary School be made by Local Authority order dated 1<sup>st</sup> September 2014.
- 3.2 To consider and approve the nomination of John Harrington for appointment by the governing body.

#### **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 At a full governing body meeting on the 19<sup>th</sup> June 2014, the governing body of DOWDERRY Primary School made a decision to reconstitute the governing body. Reconstitution supports a review of its current membership and provides the opportunity to bring in additional skills to the governing body.
- 5.2 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 (Constitution) (England) Regulations 2012. The total membership of the governing body of a maintained school must be no fewer than seven governors.
- 5.3 The governing body of a maintained school must include the following:-
- at least 2 parent governors;
  - the Headteacher unless any such Headteacher resigns the office of governor in accordance with regulation 19 of the Constitution Regulations 2012;
  - one staff governor; and
  - one Local Authority governor.
- 5.4 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.

- 5.5 The total number of co-opted governors who are also eligible to be elected as staff governors when counted with the staff governor and headteacher, must not exceed one-third of the total membership of the governing body.
- 5.6 The regulations now also state that the Local Authority governor is nominated by the Local Authority but appointed by the governing body.
- 5.7 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 John Harrington, details of whom appear at Appendix 2, is the Local Authority nominee for appointment as the Local Authority governor by the governing body of Donderry Primary School

## **7. Financial implications**

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

## **8. Legal implications**

- 8.1. 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.
- 8.2 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.
- 8.3 The Instrument of Government proposed for the governing body of Donderry Primary School conforms to The School Governance (Constitution) (England ) Regulations 2012.

### Equalities Legislation

- 8.4 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.
- 8.5 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.

- 8.6 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.
- 8.7 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/>
- 8.8 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
- 8.9 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 (Constitution) (England ) Regulations 2012	2012	<a href="http://www.legislation.gov.uk/uksi/2012/1034/contents/made">http://www.legislation.gov.uk/uksi/2012/1034/contents/made</a>	Suhaib Saeed

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

**INSTRUMENT OF GOVERNMENT: COMMUNITY SCHOOLS**

1. The name of the school is **Downderry Primary School**
2. The school is a **community school**.
3. The name of the governing body is **The governing body of Downderry Primary School**
4. The governing body shall consist of:
  - (a) **2** parent governors;
  - (b) **1** Headteacher
  - (c) **1** staff governor;
  - (c) **1** Local Authority governor;
  - (d) **7** co-opted governors.
5. Total number of governors **12**
6. This instrument of government comes into effect: on **1 September 2014**
7. This instrument was made by order of the London Borough of Lewisham Local Education Authority on **16 July 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**

**LA Governor Nominee**

**APPENDIX 2**

<b>Name</b>	<b>School</b>	<b>Occupation</b>	<b>Residential Area</b>	<b>Précis of Suitability to be considered as a school governor</b>	<b>Governor Monitoring Information</b>
Mr. John Harrington	Downderry	Retired Head Teacher	BR1	John has 10 years experience of being a governor in two schools in Lewisham and much of that time as Chair of Governors. He has experience of school financial management and an interest in school improvement / effectiveness. John has over 50 years experience in education as a teacher, head - teacher and advisor. He is currently a Local Authority governor at Downderry and the governing body wish to have him nominated.	Male White British