

MAYOR AND CABINET			
Report Title	Making of Instrument of Government The Governing Body of Watergate School.		
Key Decision	Yes	Item No.	
Ward	Bellingham		
Contributors	Executive Director for Children and Young People Head of Law		
Class	Part 1	Date:	1.10.14

1. Summary

- 1.1 The report sets out a variation to the Instrument of Government for Watergate 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 Watergate School.

3. Recommendations

The Mayor is recommended to:

- 3.1 Approve that the Instrument of Government for Watergate School be made by Local Authority order dated 1 October 2014.
- 3.2 To consider and approve the nomination of Councillor Carl Handley 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 17 June 2014, the governing body of Watergate 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 In addition to the requirements above, the governing body of a foundation school or a foundation special school which, in either case, has a foundation but which is not a qualifying foundation school, must also include at least two (but no more than 45 per cent of the total) foundation governors.
- 5.7 The Brent Knoll and Watergate Co-operative Trust is a Trust created under the auspices of the School Standards and Framework Act 1998. The company was registered (08002136) on 22 March 2012.

5.8 The Trust was set out to administer and manage the property and other assets of the Trust known as The Brent Knoll and Watergate Co-operative Trust for the public benefit as defined by the following objectives included within the Articles of Association:-

5.8.1 To advance the education of the pupils at the Schools, to advance the education of other members of the community, and otherwise to benefit the community, it being acknowledged that in carrying out the Objects the Trust must (where applicable) have regard to its obligation to promote community cohesion under the Education Acts.

5.8.2 It is intended that the curriculum and ethos of the Schools will place an emphasis on, and include a commitment to students learning about, the Co-operative values of self-help, self responsibility, democracy, equality, equity, solidarity, honesty, openness, social responsibility and caring for others with the aim of encouraging all students to become better citizens, not only while they are students but during the rest of their lives.

5.9 Members of the Trust's Board are directors for the purpose of company law and trustees for the purposes of charity law. The composition of the Trustee Board is as follows:

Two trustees appointed by each school in the Trust,
One trustee appointed by each of the following partner institutions:
Lewisham Local Authority,
Lewisham Healthcare NHS Trust,
Greenwich University,
Widehorizons Outdoor Educational Trust,
Phoenix Community Housing Trust,
Ravensbourne Project.

Three trustees are entitled to be appointed by the membership forum. The membership forum is comprised of people elected from the general membership of the co-operative trust.

5.10 In addition, the Co-operative Trust is entitled to appoint foundation governors at each school respectively.

5.11 The regulations now also state that the Local Authority governor is nominated by the Local Authority but appointed by the governing body.

5.12 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 Councillor Carl Handley, details of whom appear at Appendix 2, is the Local Authority nominee for appointment as the Local Authority governor by the governing body of Watergate School.

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. 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.

8.1.2 The Instrument of Government proposed for the governing body of Watergate School conforms to The School Governance (Constitution) (England) Regulations 2012.

8.1.3 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.

8.1.4 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.

8.1.5 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.

8.1.6 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/>

8.1.7 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

8.1.8 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:

<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	http://www.legislation.gov.uk/uksi/2012/1034/contents/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: Foundation Special School

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) Four parent governors
 - b) One Local Authority (LA) governor
 - c) One staff governor
 - d) One headteacher
 - e) Five co-opted governors
 - f) Three foundation governors
5. Total number of governors: 15
6. The Brent Knoll and Watergate Co-operative Trust is entitled to appoint Foundation Governors.
7. The school has a Trust.
8. This instrument of government comes into effect on 15 October 2014
9. This instrument was made by order of Lewisham Local Authority on 1 October 2014.
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.

MAYOR AND CABINET

LA Governor Nominee

APPENDIX 2

Name	School	Occupation	Residential Area	Précis of Suitability to be considered as a school governor	Governor Monitoring Information
Cllr Carl Handley	Watergate	LB of Lewisham Councillor	SE4	Cllr Handley has been a governor since May 1992 serving on St Saviour's, Gordonbrock and Watergate Schools. He has been the Chair of Governors of Watergate School since 1999 and is passionate about special education. He has been instrumental in forming Partnerships/Federations with Brent Knoll and Greenvale Schools for the benefit of the pupils. He is also a Labour Councillor representing Ladywell Ward.	Male White British