

MAYOR AND CABINET			
Report Title	Instrument of Government - The Governing Body of The Leathersellers' Federation of Schools .		
Key Decision	Yes	Item No.	
Ward	Ladywell, Crofton Park, Lewisham Central		
Contributors	Executive Director for Children and Young People Head of Law		
Class	Part 1	Date:	14 January 2015

1. Summary

- 1.1 A variation to the current Instrument of Government is required as a decision has been made by the Governing Body of the Leathersellers' Federation of Schools to change the names of schools in the Federation.

2. Purpose

- 2.1 To note the Governors' decision to change the names of schools in the Federation and to seek approval to the variation of the Instrument of Government for The Leathersellers' Federation of Schools.

3. Recommendations

That the Mayor:

- 3.1 notes the Governors of the Leathersellers' Federation of Schools decision to change the change the names of schools in the Federation from:
- 3.1.1 Prendergast Hilly Fields College to Prendergast School.
 - 3.1.2 Prendergast Ladywell Fields College to Prendergast Ladywell School.
 - 3.1.3 Prendergast Vale College to Prendergast Vale School.
- 3.2 approves that the Instrument of Government for The Leathersellers' Federation of Schools be made by Local Authority order dated 14 January 2015.

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 the Governors' meeting of the 7 October 2014 held at Prendergast Hilly Fields College, Governors agreed to change the names of the schools in the Federation and agreed and accepted the proposed Instrument of Government.
- 5.2 Governors are reverting to the historic name of Prendergast School . It is currently Prendergast Hilly Fields College. Prendergast Ladywell School simplifies the name, removes the 'fields' and re-emphasises the Prendergast connection. Prendergast Vale School is a change from Prendergast Vale College.
- 5.3 The Leathersellers' Federation of Schools currently comprises three schools:
 - Prendergast Hilly Fields College (a voluntary aided school);
 - Prendergast Ladywell Fields College (a foundation school). and
 - Prendergast Vale College (a foundation school).
- 5.4 The respective schools with their new names and DfE numbers are:
 - Prendergast School (a voluntary aided school); URN 100750 DfE No.: 2094646
 - Prendergast Ladywell School (a foundation school) URN 100747 DfE No.: 2094323
 - Prendergast Vale School (a foundation school). URN: 135843, DfE No.: 2095201
- 5.5 As a consequence of the recent resolution of the Governing Body it is now necessary for the Local Authority to consider and approve the Instrument of Government as drafted and submitted by the Governing Body as a result of the names of the schools on the current Instrument of Government changing.

- 5.6 The hard federation will continue to be known as The Leathersellers Federation of Schools, with a single Governing Body of the following schools:-
- Prendergast School
 - Prendergast Ladywell School
 - Prendergast Vale School
- 5.7 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.
- 5.8 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 Leathersellers' Federation of Schools this will be the Executive Headteacher*);
 - c) one staff governor; and
 - d) one Local Authority governor.
- 5.9 The Governing Body may in addition appoint such number of co-opted governors as they consider necessary provided that the requirements in regulation 22 are met in respect of Governing Bodies of federations comprising foundation and voluntary schools.
- 5.10 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.
- 5.11 The Regulations provide additional requirements for federations comprising foundation and voluntary schools. The applicable provisions for The Leathersellers' Federation of Schools are set out in Regulation 22(7) whereby "the Governing Body of a federation comprising more than one category of school including at least one foundation, foundation special or voluntary aided school must also include at least two foundation governors (or partnership governors as appropriate in respect of any school without a foundation)".
- 5.12 Appendix 1 details the Instrument of Government the Local Authority is proposing to make by order.

6. Financial implications

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

7. Legal implications

- 7.1 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.

- 7.2 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.
- 7.3 The Instrument of Government proposed for the Governing Body of The Leathersellers' Federation of Schools conforms to The School Governance (Federations) (England) Regulations 2012.

Equalities Legislation

- 7.4 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.
- 7.5 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.
- 7.6 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.
- 7.7 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/>
- 7.8 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

7.9 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/>

8. Crime and Disorder Implications

8.1 There are no specific crime and disorder implications.

9. Equalities Implications

9.1 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.

10. Environmental Implications

10.1 There are no specific environmental implications.

Background Documents

Short Title of Document	Date	File Location	Contact Officer
School Governance (Federations) (England) Regulations 2012	2012	http://www.legislation.gov.uk/uksi/2012/1035/introduction/made	Suhaib Saeed
The School Governance (Constitution and Federations) (England) (Amendment) Regulations	2014	http://www.legislation.gov.uk/uksi/2014/1257/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 FOR FEDERATED GOVERNING BODIES

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

Name	Category
1. Prendergast School	Voluntary Aided
2. Prendergast Ladywell School	Foundation
5. Prendergast Vale School	Foundation

3. The name of the Governing Body is: "**The Governing Body of The Leathersellers' Federation of Schools**"
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	Prendergast School	1
		Prendergast Ladywell School	1
		Prendergast Vale School	1
Executive Headteacher	1		
Staff governor	1		
LA governor	1		
Co-opted governors	6		
Foundation governors	6		

5. Total number of governors: **18**
6. The Leathersellers' Company is entitled to appoint the Foundation governors.
7. This Instrument comes into effect on **27 January 2015**.
8. This Instrument was made by order of Lewisham Local Authority on **14 January 2015**.
9. A copy of the Instrument must be supplied to every member of the Governing Body (and the Executive Headteacher if not a governor) and any trustees.