

<b>MAYOR AND CABINET</b>			
<b>Report Title</b>	Deptford Green School – Transition to a Normally Constituted Governing Body		
<b>Key Decision</b>	Yes	Item No.	
<b>Ward</b>	Evelyn		
<b>Contributors</b>	Executive Director for Children and Young People Head of Law		
<b>Class</b>	Part 1	Date:	25 March 2015

## **1. Summary**

- 1.1 An Interim Executive Board (IEB) was established on the 22 April 2013 to replace the former governing body of Deptford Green School, following a decision from the Secretary of State on application by the Local Authority. The Local Authority proposed to keep the IEB in place until the school had emerged from Special Measures and was judged as securely good.
- 1.2 Under The School Governance (Transition from an Interim Executive Board) (England) Regulations 2010, a Local Authority may appoint a shadow governing body to replace the IEB before moving to a normally constituted governing body, but there is no obligation to do so.
- 1.3 The members of the IEB are of the view that it would be beneficial to the school to re-constitute the governing body in the Summer Term 2015 and it was agreed with Local Authority officers to move directly to a normally constituted governing body.
- 1.4 The Local Authority issued written notice to the Deptford Green IEB to vacate office on the 15 April 2015 and for a normally constituted governing body to be established on the 16 April 2015.
- 1.5 The governing body must be constituted in accordance with regulations made by virtue of section 19 of the Education Act 2002 and in accordance with the school's Instrument of Government, which will need to comply with The School Governance (Constitution) (England) Regulations 2012.
- 1.6 The report sets out a new Instrument of Government for Deptford Green School.

## **2. Purpose**

- 2.1 To seek agreement to an Instrument of Government for a normally constituted governing body replacing the IEB for Deptford Green School.

### **3. Recommendations**

The Mayor is recommended to:

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

Deptford Green

16 April 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 An IEB was established on the 22 April 2013 to replace the former governing body of Deptford Green School, following a decision from the Secretary of State on application by the Local Authority. The Local Authority proposed to keep the IEB in place until the school had emerged from Special Measures and was securely good.
- 5.2 The school was inspected by Ofsted in July 2014 and came out of category with leadership and management judged as good. The school is currently self evaluating as good in all areas including overall effectiveness and awaiting an Ofsted inspection.
- 5.3 The members of the IEB are of the view that it would be beneficial to the school to re-constitute the governing body in the Summer Term 2015 and it was agreed with Local Authority officers to move directly to a normally constituted governing body..

- 5.4 The Local Authority issued written notice to the Deptford Green IEB to vacate office on the 15 April 2015 and for a normally constituted governing body to be established on the 16 April 2015.
- 5.5 The IEB have been maintaining strong relations with the parent body who are supportive of this development. The Executive Headteacher is confident that the parent body will be able to elect parents who have the appropriate skills and commitment required to join the newly constituted governing body. In addition, the Local Authority has been supporting the school to identify strong governors to be co-opted including current IEB members.
- 5.5 The IEB members have discussed and agreed the model and membership they feel would be most effective under The School Governance (Constitution) (England) Regulations 2012.
- 5.5 The governing body of every maintained school must be constituted in accordance with 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.
- 5.6 The governing body of a maintained school must include the following:-
- (a) at least 2 parent governors;
  - (b) the Headteacher 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 Deptford Green this will be the Executive Headteacher*)
  - (c) one staff governor; and
  - (d) one Local Authority governor.
- 5.7 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.
- 5.8 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.
- 5.9 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**

- 7.1.1 The School Governance Transition from an Interim Executive Board (England) Regulations 2010 require that the Local Authority establish a normally constituted governing body after an IEB.
- 7.1.2 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.
- 7.1.3 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.
- 7.1.4 The Instrument of Government proposed for Deptford Green School conforms to The School Governance (Constitution) (England ) Regulations 2012.

### **7.2 Equalities Legislation**

- 7.2.1 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.
- 7.2.2 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.
- 7.2.3 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.
- 7.2.4 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/>

7.2.5 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

7.2.6 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
The School Governance (Transition from an Interim Executive Board) (England) Regulations 2010	2010	<a href="http://www.legislation.gov.uk/uksi/2010/1918/pdfs/uksi_20101918_en.pdf">http://www.legislation.gov.uk/uksi/2010/1918/pdfs/uksi_20101918_en.pdf</a>	Suhaib Saeed
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
The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2014	2014	<a href="http://www.legislation.gov.uk/uksi/2014/1257/contents/made">http://www.legislation.gov.uk/uksi/2014/1257/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.

## Appendix 1

### INSTRUMENT OF GOVERNMENT

1. The name of the school is Deptford Green School
2. The school is a community school.
3. The name of the governing body is “The governing body of Deptford Green School”.
4. The governing body shall consist of:
  - a. 3 parent governors
  - b. 1 LA governor
  - c. 1 staff governor
  - d. 1 Headteacher
  - e. 6 co-opted governors
5. Total number of governors 12
6. This instrument of government comes into effect on 16<sup>th</sup> April 2015.
7. This instrument was made by order of Lewisham Local Authority on 25th March 2015
8. A copy of the instrument must be supplied to every member of the governing body (and the headteacher if not a governor)