

MAYOR AND CABINET			
Report Title	Instrument of Government - The Governing Body of The King Alfred Federation.		
Key Decision	Yes	Item No.	
Ward	Bellingham		
Contributors	Executive Director for Children and Young People Head of Law		
Class	Part 1	Date:	9 December 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 King Alfred Federation to revise the Instrument of Government.

2. Purpose

- 2.1 This report seeks approval to the variation of the Instrument of Government for The King Alfred Federation of schools.

3. Recommendations

The Mayor is recommended to:

- 3.1 Approve that the Instrument of Government for The King Alfred Federation of Schools be made by Local Authority order.

4. Policy Context

- 4.1 Each school has to have an Instrument of Government. The Local Authority must satisfy itself that the Instrument 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 King Alfred Federation governing body meeting of 8 October 2015, governors noted that they had previously reconstituted under the School Governance (Federations) (England) Regulations 2012. However, having operated under the new constitution for two school years it was clear that the governing body required additional members to ensure that it could effectively deal with the range of requirements and business that it was expected to deal with.

5.2 Having duly considered the options available to them and having due regard to the best governance model suitable for The King Alfred Federation it was resolved that 3 additional co-opted governors be added to the current Instrument of Government to increase the size of the governing body from 11 to 14 governors.

5.3 As a consequence of the resolution of the Governing Body meeting held on the 8 October, it is now necessary for the Local Authority to consider and approve the Instrument of Government as drafted and submitted by the Governing Body.

5.4 The Governing Body of every federation must be constituted in accordance with the Regulations. The total membership of the Governing Board of a federation must be no fewer than seven governors.

5.5 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;
- 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.

5.8 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.

5.9 The Executive Headteacher of the King Alfred Federation will take the place of the headteacher on the governing body.

5.10 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 King Alfred Federation 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.

APPENDIX 1

INSTRUMENT OF GOVERNMENT FOR FEDERATED GOVERNING BODIES

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

Name	Category
1. Athelney Primary School	Community
2. Elfrida Primary School	Community

3. The name of the governing body is: **"The governing body of the King Alfred 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	2	Athelney School	1
		Elfrida School	1
Executive Headteacher	1		
Staff governor	1		
LA governor	1		
Co-opted governors	9		

5. Total number of governors: **14**
6. This instrument comes into effect on **11 February 2016**
7. This instrument was made by order of Lewisham Local Authority on **9 December 2015**
8. A copy of the instrument must be supplied to every member of the governing Body (and the head teacher if not a governor).