

<b>Mayor and Cabinet</b>			
<b>Report Title</b>	Federations – Revisions to Instruments of Government		
<b>Key Decision</b>	Yes	Item No.	
<b>Ward</b>	Lewisham Central, Crofton Park, Perry Vale , Bellingham, Forest Hill		
<b>Contributors</b>	Executive Director for Children and Young People Head of Law		
<b>Class</b>	Part 1	Date:	7 September 2016

## 1. Summary

- 1.1 The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016 amends the School Governance (Federations) ( England) Regulations 2012 (“Federation Regulations”) to provide that, by 1 September 2016, the governing body of every federation must include two parent governors, to be elected by parents of any federated school or appointed by the governing body of the federation. Under the current Regulations, federations have to seek a parent governor from each of the schools in the federation.

## 2. Purpose

- 2.1 To seek agreement to amend the Instrument of Government for the federation of schools listed below.

## 3. Recommendation

The Mayor is recommended to:

- 3.1 Approve that the Instrument of Government for the federation of schools identified below be made by local authority order dated 7 September 2016.
- |       |                                       |            |
|-------|---------------------------------------|------------|
| 3.1.1 | The Leathersellers’ Federation        | Appendix 1 |
| 3.1.2 | The King Alfred Federation            | Appendix 2 |
| 3.1.3 | The Fairlawn and Haseltine Federation | Appendix 3 |

## 4. Policy Context

- 4.1 Each federation has to have an Instrument of Government. The local authority must satisfy itself that the Instrument of Government for the federation conforms 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 The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016 amends the "Federations Regulations" to provide that, by 1 September 2016, the governing body of every federation must include two parent governors, to be elected by parents of any federated school or appointed by the governing body of the federation. Under the current regulations, federations have to seek a parent governor from each of the schools in the federation.
- 5.2 If a federation consists of three or more schools it will currently have a parent governor place for each of the schools in the federation and reflected on its Instrument of Government. Thus the action required is for the federation to reconstitute in order to reduce to two parent places
- 5.3 If a federation consists of only two schools then the amendment to the regulations means it will no longer be required to have a parent governor from each school, enabling boards to seek nominations from parents; informed by the skills required, irrespective of which school their child is a pupil at.
- 5.4 This report sets out variations to the Instruments of Government for federations whose Governing Bodies are required to amend their Instrument of Government under The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016.
- 5.5 At a governing body meeting which took place between 29 June and 14 July 2016, the governing bodies of the federation of schools listed in section 3 of this report made a decision to amend their Instrument of Government.
- 5.6 As the governing body meetings of the three federations listed in section 3 took place after the deadline for notification (13.06.16) for the last Mayor and Cabinet meeting of the Summer Term (13.07.16), there has been a slight delay to the implementation required by The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016, that by 1 September 2016, the governing body of every federation must include two parent governors, to be elected by parents of any federated school or appointed by the governing body of

the federation. This delay is reasonable given the next Mayor and Cabinet meeting is scheduled for 7 September 2016. The impact of the delay will not have any significant implications for the governing bodies of the three federations.

- 5.7 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 (Federations) (England) Regulations 2012, as amended by The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2014 and 2016 respectively.
- 5.8 The total membership of the governing body of all federations is to have at least seven governors.
- 5.9 The governing body of a federation must include the following:-
- (a) two parent governors;
  - (b) The headteacher of each federated school unless they resign office as a governor
  - (c) one staff governor,
  - (d) one local authority governor
- 5.10 In addition, federations comprising foundation and voluntary schools are required to have foundation or partnership governors. **Do you want to say something about being in the majority ??**
- 5.11 The governing body may also appoint as many co-opted governors as they consider necessary, but in doing so, it must take into account the additional requirement for federations comprising foundation and voluntary schools where there may be a requirement to have a majority of foundation governors.
- 5.12 The total number of co-opted governors who are also eligible to be elected or appointed as staff governors (when counted with the staff governor and the headteacher/s) must not exceed one third of the total membership of the board of the federation.
- 5.13 Appendices 1 to 3 detail each Instrument of Government the local authority is proposing to make by order for each of the 3 federations.

## **6. Financial implications**

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

## **7. Legal implications**

- 7.1 Section 24 of the Education Act 2002 provides that where schools are federated they shall have a single governing body constituted under a single Instrument of Government which determines the constitution of the federation and other matters relating to the school.
- 7.2 Each federation must have an Instrument of Government detailing the name of the federation, 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 “Federation Regulations”.

- 7.3 The Instrument of Government proposed in Appendices 1 to 4, for the governing body of each federation of schools listed in section 3 of this report, conforms to The School Governance (Federations) (England) Regulations 2012 as amended.

#### Equalities Legislation

- 7.4 The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following 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 It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed at 7.5 above.
- 7.7 The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.
- 7.8 The Equality and Human Rights Commission has 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:

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

7.9 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- [The essential guide to the public sector equality duty](#)
- [Meeting the equality duty in policy and decision-making](#)
- [Engagement and the equality duty: A guide for public authorities](#)
- [Objectives and the equality duty. A guide for public authorities](#)
- [Equality Information and the Equality Duty: A Guide for Public Authorities](#)

7.10 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:

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

## 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.

9.2 Lewisham Council's policy is to encourage all sections of the community to be represented as Local Authority governors. In particular, we would encourage further representation from the black community and minority groups including disabled people, who are currently under-represented as governors. The numbers of governors in these groups is kept under review

## 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 (Federations) (England) Regulations 2012	2012	<a href="http://www.legislation.gov.uk/uksi/2012/1035/contents/made">http://www.legislation.gov.uk/uksi/2012/1035/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
The School Governance (Constitution and Federations) (England) (Amendment) (No. 2) Regulations 2014	2014	<a href="http://www.legislation.gov.uk/uksi/2014/1959/contents/made">http://www.legislation.gov.uk/uksi/2014/1959/contents/made</a>	Suhaib Saeed
The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016	2016	<a href="http://www.legislation.gov.uk/uksi/2016/204/contents/made">http://www.legislation.gov.uk/uksi/2016/204/contents/made</a>	Suhaib Saeed

If there are any queries arising from this report, please contact Suhaib Saeed, Service Manager School Services , 3<sup>rd</sup> Floor, Laurence House, telephone 020 8314 767

## Appendix 1

### 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
3. Prendergast Vale School	Foundation

3. The name of the Governing Board is: **"The Governing Board of The Leathersellers' Federation of Schools"**
4. The Governing Board 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 Headteacher and Foundation Governors)	No. of Governors for each School
Parent Governors	<b>2</b>		
Headteacher Governors	<b>3</b>	Prendergast School	1
		Prendergast Ladywell School	1
		Prendergast Vale School	1
Foundation Governors	<b>6</b>	Prendergast School	6
Staff Governor	<b>1</b>		
LA Governor	<b>1</b>		
Co-opted Governors	<b>8</b>		

5. Total number of governors: **21**
6. The Leathersellers' Company is entitled to appoint the Foundation Governors.
7. This Instrument comes into effect on 21 September 2016.
8. This Instrument was made by order of Lewisham Local Authority on **7 September 2016**
9. A copy of the instrument must be supplied to every member of the Governing Board (and the headteacher if not a governor) and any trustees.

**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
Parent governors	<b>2</b>
Executive Headteacher	<b>1</b>
Staff governor	<b>1</b>
LA governor	<b>1</b>
Co-opted governors	<b>9</b>

5. Total number of governors: **14**
6. This instrument comes into effect on 21 September 2016
7. This instrument was made by order of Lewisham Local Authority on **7 September 2016**
8. A copy of the instrument must be supplied to every member of the governing Body (and the head teacher if not a governor).



**INSTRUMENT OF GOVERNMENT FOR FEDERATED GOVERNING BODIES**

1. The name of the federation is: **The Fairlawn and Haseltine Primary Schools Federation.**

2. The names and categories of the schools in the federation are:

Name	Category
1. Fairlawn Primary School	Community
2. Haseltine Primary School	Community

3. The name of the Governing Body is: **'The Governing Body of the Fairlawn and Haseltine Primary Schools 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 Headteacher Governors)	No. of Governors for each School
Parent Governors	<b>2</b>		
Headteacher Governors	<b>2</b>	Fairlawn Primary School	1
		Haseltine Primary School	1
Staff Governor	<b>1</b>		
LA Governor	<b>1</b>		
Co-opted Governors	<b>12</b>		

5. Total number of governors: **18**

6. This instrument comes into effect on 21 September 2016

7. This instrument was made by order of Lewisham Local Authority on **7 September 2016.**

8. A copy of the instrument must be supplied to every member of the governing Body (and the head teacher if not a governor).