

<b>Mayor &amp; Cabinet</b>			
<b>Report Title</b>	Sandhurst Primary School Instrument of Government		
<b>Key Decision</b>	Yes	Item No.	
<b>Ward</b>	Catford South		
<b>Contributors</b>	Executive Director for Children and Young People and Head of Law		
<b>Class</b>	Part 1	Date:	21 March 2018

### 1. Summary

- 1.1 A new Instrument of Government needs to be made for Sandhurst Primary School, following the approval of the proposal to amalgamate Sandhurst Infant and Nursery School and Sandhurst Junior School by closing Sandhurst Junior School and extending the age range of Sandhurst Infant and Nursery School.

### 2. Purpose

- 2.1 To seek agreement to the making of the new Instrument of Government for the school listed below.

### 3. Recommendation

The Mayor is recommended to:

- 3.1 Approve that the Instrument of Government for Sandhurst Primary School be made by Local Authority order dated 1 April 2018 as set out in Appendix 1.

### 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 each school 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 Following the submission of the report “*Decision to Close Sandhurst Junior School and Change the Age Range of Sandhurst Infant School*” to Mayor and Cabinet on 28 February 2018 on the Sandhurst Amalgamation, a decision was made by Mayor and Cabinet to:

- 5.1.1 note the results of the period of representation on both the proposal to close Sandhurst Junior School and the proposal to change the age range of Sandhurst Infant School, with effect from 1 April 2018.

- 5.1.2 note that if decisions are taken to close Sandhurst Junior School and change the age range of Sandhurst Infant School, a new Instrument of Government of the remaining school will need to be developed and brought back to the Mayor for approval.

- 5.1.3 agree that Sandhurst Junior School is closed as of 1 April 2018.

- 5.1.4 agree that the age range of Sandhurst Infant School is changed to include Key Stage 2 as of 1 April 2018.

- 5.2 Thus with respect to decision 5.3 above a new Instrument of Government for Sandhurst Primary School has been agreed by the governing body of Sandhurst Infant and Nursery School on 1 March 2018. The change of a school’s name necessitates a new Instrument of Government and, therefore, the reconstitution of the Governing Body.

- 5.3 Prior to this a representative working group with membership from both schools governing bodies led on detailed implementation work. One of the tasks for this group was to draft an Instrument of Government for the all through primary school. Local Authority officers have also been in dialogue with the Headteacher and respective chairs of governors of the Infant and Junior school throughout the process.

- 5.4 The governing body of Sandhurst Infant and Nursery School felt that it was important to have a good number of parent governors represented on the governing body, as after amalgamation the school will have in excess of 700 pupils, and the rationale is that 5 parent governors will ensure that they have a good distribution of parent voice on the governing body.

- 5.5 In addition each school’s governing body has completed a skills audit and when looking to appoint the co-opted governors they will be using the outputs of the audit to ensure they achieve coverage of skills across the new governing body. There are 9 co-opted governors on the new proposed Instrument of government.

- 5.6 For the reasons above, it was agreed at an extraordinary governing body on March 1 2018 to increase the size of the governing body from 12 to 17 members and request an amendment to the Instrument of Government.
- 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 (Constitution) (England) Regulations 2012, as amended.
- 5.8 The total membership of the governing body of a maintained school must be no fewer than seven governors.
- 5.9 The governing body of a maintained school must include the following:-
- (a) at least two parent governors;
  - (b) the headteacher unless the headteacher resigns the office of governor in accordance with regulations;
  - (c) one staff governor, and
  - (d) one local authority governor
- 5.10 The governing body may in addition appoint such number of co-opted governors as they consider necessary provided that the requirements in regulations are met in respect of governing bodies of foundation and voluntary schools.
- 5.11 The total number of co-opted governors who are also eligible to be elected as staff governors under Schedule 2, when counted with the staff governor and the head teacher, must not exceed one third of the total membership of the governing body.
- 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 School Governance (Constitution) (England) Regulations 2012 as amended.
- 7.3 The Instrument of Government proposed for the Governing Body of Sandhurst Primary School conforms to The School Governance (Constitution) (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
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The School Governance (Constitution) (England) Regulations 2012	2012	<a href="http://www.legislation.gov.uk/uksi/2012/1034/regulation/28/made">http://www.legislation.gov.uk/uksi/2012/1034/regulation/28/made</a>	Suhaib Saeed
The School Governance (Miscellaneous Amendments) (England) Regulations 2015	2015	<a href="http://www.legislation.gov.uk/uksi/2015/883/contents/made">http://www.legislation.gov.uk/uksi/2015/883/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**

1. The name of the school is **Sandhurst Primary School**
2. The school is a **community school**
3. The name of the governing body is **The governing body of Sandhurst Primary School**
4. The governing body shall consist of:
  - a. **5 parent governors**
  - b. **1 Headteacher**
  - c. **1 staff governor**
  - d. **1 Local Authority governor**
  - e. **9 co-opted governors**
5. Total number of governors **17**
6. This instrument of government comes into effect on: **1 April 2018**
7. This instrument was made by order of Lewisham Local Authority on **21 March 2018**
8. A copy of the instrument must be supplied to every member of the governing body (and the headteacher if not a governor)