

<b>MAYOR AND CABINET</b>			
<b>Report Title</b>	Beecroft Garden Primary School Instrument of Government		
<b>Key Decision</b>	Yes	Item No.	
<b>Ward</b>	Crofton Park		
<b>Contributors</b>	Executive Director for Children and Young People Director of Law		
<b>Class</b>	Part 1	Date:	30 October 2019

## 1. Summary

- 1.1 A variation to the Instrument of Government needs to be made for Beecroft Garden Primary School, following the governing body's decision to increase the size of the governing body from 9 to 10 members.

## 2. Purpose

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

## 3. Recommendation

The Mayor and Cabinet is recommended to:

- 3.1 Approve that the Instrument of Government for Beecroft Garden Primary School be made by Local Authority order dated 30 October 2019 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 The report is consistent with the third priority identified in the 2018-2022 Corporate Strategy listed below.
- 4.3 "Giving children and young people the best start in life - Every child has access to an outstanding and inspiring education and is given the support they need to keep them safe, well and able to achieve their full potential."

## 5. Background

- 5.1 On 4 July 2019 at Beecroft Garden Primary School's governing body meeting, governors agreed to vary their Instrument of Government, made on 10 July 2013, by increasing the size of the governing body from 9 to 10 members.
- 5.2 The governors propose increasing the size of the governing body by 1 co-opted place following their recent meeting to discuss a number of steps to ensure effective succession planning. They considered several ideas for how to manage this over the next year. One of the issues discussed was the structure of the governing body, and it was agreed that the current very small size made succession planning more difficult. It was proposed that there would be more scope to bring further expertise to the governing body if the size was increased, and it was **resolved** that the governing body should be increased by one co-opted governor as soon as possible to enable a further governor to be recruited at the earliest possible opportunity.
- 5.3 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.
- 5.4 The total membership of the governing body of a maintained school must be no fewer than seven governors.
- 5.5 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
- 5.6 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.
- 5.7 The total number of co-opted governors who are also eligible to be elected as staff governors under Schedule 2 of the Regulations, when counted with the staff governor and the head teacher, must not exceed one third of the total membership of the governing body.
- 5.8 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 Beecroft Garden 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 Lewisham Council's policy is to ensure that all sections of the community are to be represented on school governing bodies. It is a priority under the Council's new Corporate Strategy to recruit more ethnic minority governors to better reflect our diverse borough. This priority informs the LA Strategic Review of Governance. An action plan has been prepared and a Strategic Review of Governance Working Party are overseeing its implementation.

## **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 (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 Group Manager School Services, 3<sup>rd</sup> Floor, Laurence House, telephone 020 8314 7670

**INSTRUMENT OF GOVERNMENT: COMMUNITY SCHOOLS**

1. The name of the school is **Beecroft Garden Primary School**
2. The school is a **Community school**
3. The name of the governing body is **The governing body of Beecroft Garden Primary School**
4. The governing body shall consist of:
  - a. **2 parent governors**
  - b. **1 Headteacher**
  - c. **1 staff governor**
  - d. **1 Local Authority governor**
  - e. **5 co-opted governors**
5. Total number of governors **10**
6. This instrument of government comes into effect on: **13 November 2019**
7. This instrument was made by order of Lewisham Local Authority on 30 October 2019
8. A copy of the instrument must be supplied to every member of the governing body (and the headteacher if not a governor)
9. Date of variation to Instrument **30 October 2019**
10. A copy of the instrument must be supplied to every member and associate member of the governing body (and the headteacher if not a governor)