

Mayor and Cabinet			
Report Title	The Leathersellers' Federation of Schools Instrument of Government		
Key Decision	Yes	Item No.	
Ward	Lewisham Central, Crofton Park, Ladywell		
Contributors	Executive Director for Children and Young People Director of Law		
Class	Part 1	Date:	11 December 2019

1. Summary

- 1.1 A variation to the Instrument of Government needs to be made for The Leathersellers' Federation of Schools. The Instrument of Government is being amended to correct a current error and to ensure the Instrument of Government now includes the phrase "Prendergast School is supported by a trust".
- 1.2 It is the case that the Instrument of Government must state where a school is supported by a Trust, which Prendergast School has been since its foundation. The variation requested will bring the current Instrument of Government in line with legislation.

2. Purpose

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

3. Recommendation

The Mayor is recommended to:

- 3.1 Approve that the Instrument of Government for The Leathersellers' Federation of Schools be made by Local Authority order dated 11 December 2019 as set out in Appendix 1.

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 each federation 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 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.
- 5.2 The School Governance (Federations) (England) Regulations 2012 Departmental Advice For Local Authorities, School Leaders, School Staff And Governing Bodies states that for schools with a Trust some information should be included on the Instrument about the Trust in particular, “where there is a trust relating to any of the federated schools, the fact that such a trust exists.”
- 5.3 The Leathersellers’ Federation of Schools governing board have advised the Local Authority that Prendergast School is supported by a Trust.
- 5.4 This report sets out a variation to the Instrument of Government for The Leathersellers’ Federation of Schools to take into account that such a Trust exists.
- 5.5 The total membership of the governing body of all federations is to have at least seven governors.
- 5.6 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; 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 additional requirements in paragraph 5.9 are met in respect of governing bodies of federations comprising foundation and voluntary schools.
- 5.8 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 governing body.
- 5.9 Additional requirements for federations comprising more than one category of school including at least one foundation, foundation special or voluntary aided school must include at least two foundation governors (or partnership governors as appropriate in respect of any school without a foundation).

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 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 Appendix 1 for the governing board of The Leathersellers' Federation of Schools 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 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 (Federations) (England) Regulations 2012	2012	http://www.legislation.gov.uk/uksi/2012/1035/contents/made	Suhaib Saeed
The School Governance (Federations) (England) Regulations 2012 Departmental Advice For Local Authorities, School Leaders, School Staff And Governing Bodies	2012	https://dera.ioe.ac.uk/15435/1/2012%20federations%20regs%20departmental%20advice.pdf	Suhaib Saeed
The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2014	2014	http://www.legislation.gov.uk/uksi/2014/1257/contents/made	Suhaib Saeed
The School Governance (Constitution and Federations) (England) (Amendment) (No. 2) Regulations 2014	2014	http://www.legislation.gov.uk/uksi/2014/1959/contents/made	Suhaib Saeed
The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016	2016	http://www.legislation.gov.uk/uksi/2016/204/contents/made	Suhaib Saeed

If there are any queries arising from this report, please contact Suhaib Saeed, Service Manager School Services, 2nd Floor, Laurence House, telephone 020 8314 7670

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	2		
Headteacher Governors	3	Prendergast School	1
		Prendergast Ladywell School	1
		Prendergast Vale School	1
Foundation Governors	6		
Staff Governor	1		
LA Governor	1		
Co-opted Governors	8		

5. Total number of governors: **21**

6. The Leathersellers' Company is entitled to appoint the Foundation Governors.

7. Prendergast School is supported by a trust.

8. This Instrument comes into effect on 18 December 2019.

9. This Instrument was made by order of Lewisham Local Authority on
11 December 2019

10. Date of variation to Instrument **11 December 2019**

11. A copy of the instrument must be supplied to every member and associate member of the Governing Board (and the headteacher if not a governor) and any trustees.