

| Mayor and Cabinet | | | |
|--------------------------|---|----------|---------------|
| Report Title | Making of Instrument - The Federation of Holy Cross and St Augustine's Catholic Primary Schools (Aspire London) | | |
| Key Decision | Yes | Item No. | |
| Ward | Rushey Green, Bellingham | | |
| Contributors | Executive Director for Children and Young People Director of Law | | |
| Class | Part 1 | Date: | 11 March 2020 |

1. Summary

- 1.1 Holy Cross and St Augustine's Catholic Primary Schools have decided to enter into a hard federation, to be known as "The Federation of Holy Cross and St Augustine's Catholic Primary Schools (Aspire London)", and have asked the Local Authority to make a new Instrument of Government for the federation. The report sets out a new Instrument of Government for The Federation of Holy Cross and St Augustine's Catholic Primary Schools (Aspire London).
- 1.2 The rationale laid out by the two governing bodies within their proposal clearly shows that this has been a well-considered option, and will help ensure that both schools are able to meet the challenges not only of today, but the future as well.
- 1.3 Additionally the proposal will allow numerous synergies across the two schools, not least of which will help enable children to reach their full potential through high standards of teaching and learning.

2. Purpose

- 2.1 To seek agreement to an Instrument of Government for The Federation of Holy Cross and St Augustine's Catholic Primary Schools (Aspire London)

3. Recommendation

The Mayor is recommended to:

- 3.1 Approve that the Instrument of Government for the federation listed below be made by Local Authority order dated 1 April 2020 as set out in Appendix 1.

The Federation of Holy Cross and St Augustine's Catholic Primary Schools (Aspire London)

4. Policy Context

- 4.1 Each maintained school has to have an Instrument of Government. The Local Authority must satisfy itself that the Instrument of Government for each maintained 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.

“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 24 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 (The Federation Regulations).
- 5.2 The Regulations set out the arrangements for establishing statutory federations of governing bodies in maintained schools in England, the constitution of the federated governing body of those maintained schools, the procedures for a school to leave the federation and the procedures to dissolve the federation. They apply to federations which are established on or after 1 September 2012.
- 5.3 Holy Cross and St Augustine’s have been working together now for over a year in a partnership called a soft federation. The soft federation has been under the leadership of an Executive Headteacher and has proved to be very successful. Since September 2018 the teaching staff from the two schools have met regularly to exchange ideas and improve practice across both schools. Support staff have also visited both schools and discussed their work together. The whole staff and governors have shared insets together and have built positive and purposeful relationships.
- 5.4 The Department for Education strongly encourages school-to-school support in order to keep standards high and the Diocese also feels this is the right direction for the schools to go in. A soft federation is a partnership or group of schools with a formal, written agreement to work together to raise standards and build capacity between schools within a structured framework. A ‘hard’ federation is one that has a single governing body for all schools in the federation. Unlike an amalgamation, where two schools join together to become a single school, schools in a federation continue to be individual schools.
- 5.5 As part of the consultation to become a hard federation a number of benefits were cited as referenced below:-
 - Improved teaching and learning for pupils through improved collaboration and sharing of good practice between staff across the federation.

- Increasing the opportunity to fulfil individual pupils' needs, extending curriculum entitlement and giving the potential to share resources.
- Improved economies of scale through opportunities to: share resources, particularly for arts, music and sport; share staff, including an Executive Headteacher, and book trips/visitors/events together. In addition, the schools will continue to use the vast expertise in the federation to lead school-to-school support and bring in income to both schools.
- Improved professional development opportunities for all staff.
- Joint staff opportunities including specialist teachers and services, and wider career opportunities across the federation.
- Improvements in the recruitment and retention of staff across both schools, maintaining high standards of teaching and learning.
- Models of good practice to improve teaching and learning.
- New perspectives, support and expertise for both schools.
- Sustained capacity for continued improvements, building on existing high standards across the federation.

5.6 The governing bodies of the two voluntary aided schools, Holy Cross and St Augustine's Catholic primary schools, having followed the necessary process of consultation, have jointly decided to proceed with the federation and informed the Local Authority accordingly on 2 December 2019.

5.7 The governing bodies of Holy Cross and St Augustine's Catholic Primary schools resolved to agree to the establishment, in accordance with the Regulations, of a hard federation, to be known as "The Federation of Holy Cross and St Augustine's Catholic Primary Schools (Aspire London)", with a single governing body of the following establishments from 1 April 2020:-

- Holy Cross Catholic Primary School, Culverley Road, Catford, SE6 2LD; and;
- St Augustine's Catholic Primary School, Dunfield Road, London, SE6 3RD.

5.8 The governing body of every federation must be constituted in accordance with the Federation Regulations. The total membership of the governing body of a federation must be no fewer than 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 any such Headteacher resigns the office of governor in accordance with regulation 19 of the Constitution Regulations 2012; (N.B. *In the case of The Federation of Holy Cross and St Augustine's Catholic Primary*

Schools (Aspire London) this will be the Executive Headteacher as the individual schools do not have a headteacher)

- (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 paragraph 5.11 and 5.12 are met in respect of governing bodies of maintained schools comprising foundation and voluntary schools.
- 5.11 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.
- 5.12 Additional requirements for foundation and voluntary schools are that the governing body of a voluntary aided school must also include such number of foundation governors as to outnumber all the other governors by two.
- 5.13 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 requires all maintained federated schools to have an Instrument of Government which determines the constitution of the school and other matters relating to the school.
- 7.2 The federation 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 The School Governance (Federations) (England) Regulations 2012, as amended by The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2014 and 2016 respectively.
- 7.3 The Instrument of Government proposed for the Governing Body of The Federation of Holy Cross and St Augustine's Catholic Primary Schools (Aspire London) 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 | <u>https://www.legislation.gov.uk/uksi/2012/1035/regulation/21/made</u> | Suhaib Saeed |
| The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2014 | 2014 | <u>https://www.legislation.gov.uk/uksi/2014/1257/contents/made</u> | Suhaib Saeed |
| The School Governance (Constitution and Federations) (England) | 2014 | <u>http://www.legislation.gov.uk/uksi/2014/1959/made</u> | Suhaib Saeed |

| | | | |
|---|------|---|--------------|
| (Amendment) (No. 2) Regulations 2014 | | | |
| The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016 | 2016 | https://www.legislation.gov.uk/uksi/2016/204/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



ARCHDIOCESE OF SOUTHWARK

Local Authority: London Borough of Lewisham

INSTRUMENT OF GOVERNMENT FOR VOLUNTARY AIDED SCHOOLS

1. The name of the Federation is: The Federation of Holy Cross and St Augustine's Catholic Primary Schools (Aspire London)
2. The schools were founded by and are part of the Catholic Church. The schools are to be conducted as Catholic Schools in accordance with the Canon law and teachings of the Roman Catholic Church and in accordance with the Trust Deed of the Archdiocese of Southwark and in particular:
 - a) Religious Education is to be in accordance with the teachings, doctrines, discipline and general and particular norms of the Catholic Church;
 - b) religious worship is to be in accordance with the rites, practices, discipline and liturgical norms of the Catholic Church;and at all times the Federation schools are to serve as a witness to the Catholic faith in Our Lord Jesus Christ.
3. The Federation schools are voluntary aided schools.
4. The name of the governing body is “the governing body of the Federation of Holy Cross and St Augustine’s Catholic Primary Schools (Aspire London)”.
5. The governing body shall consist of :
 - a. Two Parent Governors;
 - b. The Executive Headteacher;
 - c. One Staff Governor;
 - d. One Local Authority Governor;
 - e. Three Co-opted Governors;
 - f. Ten Foundation Governors.
6. The total number of governors shall be 18.
7. Foundation Governors are appointed by the Archbishop of Southwark (or any other person exercising Ordinary jurisdiction on his behalf) through



the Director of Education of the Archdiocese of Southwark Education Commission.

8. The Archbishop of Southwark (or any other person exercising Ordinary jurisdiction on his behalf) through the Director of Education of the Archdiocese of Southwark Education Commission, may remove foundation governors at any time during their period of office.

9. Date Instrument drafted by the governing body : 27th November 2019

10. Date draft Instrument approved by foundation governors : 27th November 2019

11. Date draft Instrument approved by Trustees : 16th January 2020 *(To be completed only by the Trustees of the Archdiocese of Southwark and the Archbishop through the office of the Director of Education of the Archdiocese of Southwark Education Commission)*

| | |
|--|--|
| Only to be made by the LA if this Instrument has been dated and stamped by the Education Commission | |
|  | |
| Catholic Diocese of Southwark | |
| Signed:  | Dr Simon Hughes Director of Education |
| Date: 16 th January 2020 | |

12. This Instrument of Government comes into effect on 1st April 2020.

13. This Instrument was made by order of London Borough of Lewisham Local Authority on 11th March 2020.

The LA must supply a copy of the Instrument to every member of the governing body (and the headteacher if not a governor), the Trustees of the Archdiocese of Southwark and to the Archbishop through the office of the Director of Education of the Education Commission.