

<b>MAYOR AND CABINET</b>			
<b>Report Title</b>	Governing Bodies Reconstitution St Mary Magdalen's Catholic Primary School		
<b>Key Decision</b>	Yes	Item No.	
<b>Ward</b>	Crofton Park		
<b>Contributors</b>	Executive Director for Children and Young People Head of Law		
<b>Class</b>	Part 1	Date:	15 July 2015

## **1. Summary**

- 1.1 In May 2014, amendments to the School Governance (Constitution) (England) Regulations 2012 and the School Governance (Federations) (England) Regulations 2012 were made and laid before Parliament. The Department for Education (DfE) also published statutory guidance on the constitution of maintained schools which governing bodies and Local Authorities must have regard to. The Guidance has now been replaced by statutory guidance issued in March 2015.
- 1.2 The amendments require all governing bodies of maintained schools to be constituted under the 2012 Constitution Regulations or the 2012 Federation Regulations, as appropriate, by 1 September 2015.
- 1.3 This report sets out a variation to the Instrument of Government for St. Mary Magdalen's Catholic Primary School, whose Governing Body is required to reconstitute under the School Governance (Constitution) (England) Regulations 2012 as amended by The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2014.
- 1.4 Officers have been working closely with all schools to manage the transition effectively within the timeframes. St. Mary Magdalen's Catholic Primary School is the final school to reconstitute.

## **2. Purpose**

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

### **3. Recommendations**

The Mayor is recommended to:

- 3.1 Approve that the Instrument of Government for the school identified below be made by Local Authority order dated 15 July 2015.

St. Mary Magdalen's Catholic Primary

- 3.2 Appendix 1 details the Instrument of Government the Local Authority is proposing to make by order. The Instrument of Government has also been agreed by the Southwark Diocesan Board of Education , Trustees , Foundation Governors and the Local Authority.

### **4. Policy Context**

- 4.1 Each school has to have an Instrument of Government. The Local Authority must satisfy itself that the Instruments of Government for schools conform 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 In May 2014, amendments to the School Governance (Constitution) (England) Regulations 2012 and the School Governance (Federations) (England) Regulations 2012 were made and laid before Parliament. The Department for Education (DfE) also published statutory guidance on the constitution of maintained schools which governing bodies and Local Authorities must have regard to. The most recent version of this Guidance was issued in March 2015.
- 5.2 The amendments require all governing bodies of maintained schools who have not already reconstituted to be constituted under the 2012 Constitution Regulations or the 2012 Federation Regulations, as appropriate, by 1 September 2015.
- 5.3 This report sets out a variation to the Instrument of Government for a school whose Governing Body is required to reconstitute under the School Governance (Constitution) (England) Regulations 2012 as amended by The

School Governance (Constitution and Federations) (England) (Amendment) Regulations 2014.

- 5.4 At a governing body meeting, the governing body of St. Mary Magdalen's Catholic Primary School made a decision to reconstitute the governing body.
- 5.5 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 by The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2014.
- 5.6 The total membership of the governing body of a maintained school must be no fewer than seven governors.
- 5.7 Appendix 1 details the Instrument of Government the Local Authority is proposing to make by order. The Instrument of Government has also been agreed by the Southwark Diocesan Board of Education, Trustees, Foundation Governors and the Local Authority.

## **6. Financial implications**

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

## **7. Legal implications**

- 7.1.1 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.
- 7.1.2 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 Regulations.
- 7.1.3 The Instrument of Government proposed for the governing body of St. Mary Magdalen's Catholic Primary School conforms to The School Governance (Constitution) (England) Regulations 2012.

## **7.2 Equalities Legislation**

- 7.2.1 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.2.2 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.

7.2.3 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

7.2.4 The Equality and Human Rights Commission has recently 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:  
<http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

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

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

7.2.6 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:  
<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

## **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.

## 10. Environmental Implications

10.1 There are no specific environmental implications.

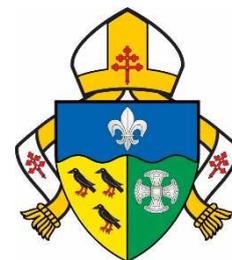
### Background Documents

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/contents/made">http://www.legislation.gov.uk/uksi/2012/1034/contents/made</a>	Suhaib Saeed
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

If there are any queries arising from this report, please contact Suhaib Saeed, Strategic Lead Governors' Services and School Leadership, 3<sup>rd</sup> Floor, Laurence House, telephone 020 8314 7670.

## Appendix 1

# ARCHDIOCESE OF SOUTHWARK



**Local Authority: London Borough of Lewisham**

## INSTRUMENT OF GOVERNMENT FOR VOLUNTARY AIDED SCHOOLS

1. The name of the school is **St. Mary Magdalen's Catholic Primary School**.
2. The school was founded by and is part of the Catholic Church. The school is to be conducted as a Catholic School 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 school is to serve as a witness to the Catholic faith in Our Lord Jesus Christ.
3. The school is a Voluntary Aided school.
4. The name of the governing body is "The Governing Body of St. Mary Magdalen's Catholic Primary School".
5. The governing body shall consist of :
  - a. Two Parent Governors;
  - b. The Headteacher;
  - c. One Staff Governor;
  - d. One Local Authority Governor;
  - e. Nine Foundation Governors;
  - f. Two Co-opted Governors.
6. The total number of governors shall be sixteen.
7. The term of office for Foundation Governors is four years.

8. 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.
9. 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.
10. Date Instrument drafted by the Governing Body : 29<sup>th</sup> September 2014
11. Date draft Instrument approved by Foundation Governors : 29<sup>th</sup> September 2014
12. Date draft Instrument approved by Trustees : 18<sup>th</sup> April 2015

<b>Only to be made by the LA if this Instrument has been dated and stamped by the Education Commission</b>	
	
<b>Catholic Diocese of Southwark</b>	
Signed: .....	Director of Education
Date: .....	

*18<sup>th</sup> April 2015*

13. This Instrument of Government comes into effect on : 1<sup>st</sup> September 2015
14. This Instrument was made by order of London Borough of Lewisham Local Authority on 15<sup>th</sup> July 2015.

The Local Authority 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.