

<b>MAYOR &amp; CABINET</b>			
<b>Report Title</b>	St Winifred's Catholic Primary School Making of Instrument of Government		
<b>Key Decision</b>	Yes	Item No.	
<b>Ward</b>	Lee Green		
<b>Contributors</b>	Strategic Lead Governors' Services and School Leadership and Head of Law		
<b>Class</b>	Part 1	Date:	2 March 2016

## 1. Summary

- 1.1 A new Instrument of Government needs to be made for St Winifred's Catholic Primary School, following the Mayor's decision on the 9 September 2015 to agree that St Winifred's Infant School and St Winifred's Junior School should close on March 31 2016 and that St Winifred's Catholic Primary School should open on April 1 2016.

## 2. Purpose

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

## 3. Recommendations

The Mayor is recommended to:

- 3.1 Approve that the Instrument of Government for St. Winifred's Catholic Primary School be made by Local Authority order dated 1 April 2016.
- 3.2 Approve Appendix 1 detailing the Instrument of Government the Local Authority is proposing to make by order. The Instrument of Government has also been agreed by the Education Commission, Catholic Diocese of Southwark, 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 Instrument 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 On 9 September 2015, the Mayor considered a report on the proposal to close St. Winifred's Infant School and St Winifred's Junior School and open St. Winifred's Catholic Primary School
- 5.2 Having considered the report the Mayor, for the reasons set out in the report resolved that St Winifred's Infant School and St Winifred's Junior School should close on March 31 2016 and that St Winifred's Catholic Primary school should open on April 1 2016.
- 5.3 Under The School Governance ( New Schools) England Regulations 2007, as amended by The School Governance (Miscellaneous Amendments) (England) Regulations 2015, once proposals for a new school have been approved and the proposals must be implemented, the local authority must set up a temporary governing body in accordance with the regulations.
- 5.4 The Executive Director for Children and Young People, under delegated authority, agreed to the proposed structure and size of the temporary governing body on 12 November 2015.
- 5.5 At their first meeting on 2 December 2015 the temporary governing body approved a draft Instrument of Government for the new Primary school comprising of 14 governors in total. They have taken into consideration and reviewed the skills mix and experience and availability of the existing Foundation governors of both the Infant and Junior Schools. The Foundation governors on the transitional governing body also separately approved the draft Instrument of Government.
- 5.6 On the 28 January, the Education Commission, Catholic Diocese of Southwark submitted a signed copy of the Instrument to the Local Authority.
- 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 Specifically, the governing body of every maintained school must be constituted in accordance with this regulation.

- 5.9 The total membership of the governing body of a maintained school must be no fewer than seven governors.
- 5.10 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
- 5.11 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.
- 5.12 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.
- 5.13 In addition, 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
- 5.14 Appendix 1 details the Instrument of Government the Local Authority is proposing to make by order. The Instrument of Government has been agreed by the Education Commission, Catholic Diocese of Southwark, 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 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 Regulations.
- 7.3 The Instrument of Government proposed for the Governing Body of The St Winifred's Catholic Primary School conforms to The School Governance (Federations) (England) Regulations 2012 in 5.7

### Equalities Legislation

- 7.4 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.

7.5 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 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.

7.7 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/>

7.8 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

7.9 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.

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
The School Governance (New Schools) England Regulations 2007	2007	<a href="http://www.legislation.gov.uk/uksi/2007/958/pdfs/uksi_20070958_en.pdf">http://www.legislation.gov.uk/uksi/2007/958/pdfs/uksi_20070958_en.pdf</a>	Suhaib Saeed
Guidance on the Establishment and Government of New Schools	2007	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/270936/guidance_on_the_establishment_and_governance_of_new_schools_2007.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/270936/guidance_on_the_establishment_and_governance_of_new_schools_2007.pdf</a>	Suhaib Saeed
The School Governance (Miscellaneous Amendments) (England) Regulations 2015	2015	<a href="http://www.legislation.gov.uk/uksi/2015/883/pdfs/uksi_20150883_en.pdf">http://www.legislation.gov.uk/uksi/2015/883/pdfs/uksi_20150883_en.pdf</a>	Suhaib Saeed

If there are any queries arising from this report, please contact Suhaib Saeed, Strategic Lead Governors' Services and School Leadership, Governors' Services, 3<sup>rd</sup> Floor, Laurence House, telephone 020 8314 767



## **ARCHDIOCESE OF SOUTHWARK**

**Local Authority: Lewisham**

### **INSTRUMENT OF GOVERNMENT FOR VOLUNTARY AIDED SCHOOLS**

1. The name of the school is St Winifred's Catholic Primary
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 Winifred'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. Eight Foundation Governors.
  - f. One Co-opted Governor
6. The total number of governors shall be 14
  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 : 2<sup>nd</sup> December 2015
11. Date draft Instrument approved by Foundation Governors : 2<sup>nd</sup> December 2015
12. Date draft Instrument approved by Trustees : 2<sup>nd</sup> December 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: ..... 2/12/15 .....	

13. This Instrument of Government comes into effect on 1 April 2016
14. This Instrument was made by order of Lewisham Local Authority on 2 March 2016

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.