

Mayor and Cabinet			
Report Title	The Oakbridge Federation School Instrument of Government		
Key Decision	Yes	Item No.	
Ward	Whitefoot, Downham		
Contributors	Executive Director for Children and Young People and Head of Law		
Class	Part 1	Date:	20 September 2018

1. Summary

- 1.1 A variation to the Instrument of Government needs to be made for The Oakbridge Federation, following the governing body's decision to decrease the size of the governing body from 14 to 12 members. The Oakbridge Federation comprises two schools: Forster Park Primary School and Rangefield Primary School.

2. Purpose

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

3. Recommendation

The Mayor and Cabinet is recommended to:

- 3.1 Approve that the Instrument of Government for The Oakbridge Federation be made by Local Authority order dated 3 October 2018 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 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 2 July 2018 at Oakbridge Federation’s governing body meeting, governors agreed to vary their Instrument of Government, made on 13 July 2016, by decreasing the size of the governing body from 14 to 12 members.
- 5.2 The rationale for the change is due to the difficulty in recruiting co-opted governors, which has resulted in the Chair having to spend a considerable amount of time on recruitment. There are currently two co-opted governor vacancies and this has been the case for some considerable time, with a third co-opted governor expected to resign in the near future. The current body of governors are all actively engaged and therefore the decision was taken that there is no necessity for an additional two governors.
- 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 (Federations) (England) Regulations 2012, as amended by The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2014 and 2016 respectively.
- 5.4 If a federation consists of only two schools then the amendments to the regulations made in 2016 means it is no longer required to have a parent governor from each school, enabling the governing body to seek nominations from parents; informed by the skills required, irrespective of which school their child is a pupil at.
- 5.5 The total membership of the governing body of all federations must not be smaller than seven members.
- 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

*In the case of the Oakbridge Federation, the Executive Headteacher is fulfilling the role of headteacher at each of the respective schools in the federation with a leadership model of heads of school in each of the schools in the federation reporting to the Executive Headteacher. Thus the Executive Headteacher is included as the headteacher on the Instrument of Government. Should either school move to having a substantive headteacher in place then the Instrument will need to be varied to allow the headteacher of each federated school to be on the governing body.

- 5.7 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.
- 5.8 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 board of the federation.
- 5.9 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 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 for the Governing Body of The Oakbridge Federation conforms to 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 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 ensure that all sections of the community are to be represented on school governing bodies. It is a priority for the new Mayor to encourage further representation from the black communities and groups with protected characteristics, who are currently under represented as governors. The numbers of governors in these groups is kept under review and we will consider options for encouraging recruitment so that our governors better reflect our diverse borough.

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	http://www.legislation.gov.uk/ukxi/2012/1034/regulation/28/made	Suhaib Saeed
The School Governance (Federations) (England) Regulations 2012	2012	http://www.legislation.gov.uk/ukxi/2012/1035/introduction/made	Suhaib Saeed
The School Governance (Miscellaneous Amendments) (England) Regulations 2015	2015	http://www.legislation.gov.uk/ukxi/2015/883/contents/made	Suhaib Saeed
The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016	2016	http://www.legislation.gov.uk/ukxi/2016/204/contents/made	Suhaib Saeed

If there are any queries arising from this report, please contact Suhaib Saeed, Service Group Manager School Services, 3rd Floor, Laurence House, telephone 020 8314 7670

INSTRUMENT OF GOVERNMENT FOR FEDERATED GOVERNING BODIES

1. The name of the federation is: **The Oakbridge Federation**
2. The names and categories of the schools in the federation are:

Name	Category
1. Forster Park	Community
2. Rangefield	Community

3. The name of the Governing Body is: **'The Governing Body of the Oakbridge Federation'**.
4. The Governing Body 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
Parent governors	2
Executive Headteacher	1
Staff governor	1
LA governor	1
Co-opted governors	7

5. Total number of governors: **12**
6. This instrument comes into effect on **3 October 2018**
7. This instrument was made by order of Lewisham Local Authority on **20 September 2018**
8. Date of variation to Instrument **20 September 2018**
9. 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)