

Mayor and Cabinet			
Report Title	Addey and Stanhope School Instrument of Government		
Key Decision	Yes	Item No.	
Ward	Brockley		
Contributors	Executive Director for Children and Young People Director of Law		
Class	Part 1	Date:	15 January 2020

1. Summary

- 1.1 A variation to the Instrument of Government needs to be made for Addey and Stanhope School.
- 1.2 Following closure of Addey and Stanhope's sixth form on 31 August 2019, the school is no longer 11-18, which is on the current Instrument of Government. Therefore the Instrument of Government needs to be varied so that it now refers to "The school is co-educational 11-16".

2. Purpose

- 2.1 To seek agreement to the variation of the Instrument of Government for Addey and Stanhope School.

3. Recommendation

The Mayor is recommended to:

- 3.1 Approve that the Instrument of Government for Addey and Stanhope School be made by Local Authority order dated 15 January 2020 as set out in Appendix 1.

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.
- 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 (Constitution) (England) Regulations 2012, as amended The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2014 and 2016 respectively
- 5.2 Following closure of Addey and Stanhope's sixth form on 31 August 2019, the school is no longer 11-18, as per the current Instrument of Government. Thus the Instrument of Government needs to be varied so that it now refers to "The school is co-educational 11-16". That is the only change required to the Instrument of Government.
- 5.3 Addey and Stanhope School's governing board has advised the Local Authority that the Instrument of Government previously made on 14 January 2015 needs to be varied due to the reasons above.
- 5.4 This report sets out a variation to the Instrument of Government for Addey and Stanhope School to take into account that the school is now co-educational 11-16.
- 5.5 The total membership of the governing body of a maintained school is to have at least seven governors.
- 5.6 The governing body of a maintained school must include the following:-
 - (a) 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.
- 5.7 The governing body may in addition appoint such number of co-opted governors as they consider necessary provided that the requirements in paragraph 5.8 and 5.9 are met in respect of governing bodies of maintained schools 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 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.
- 5.10 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 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 School Governance (Constitution) (England) Regulations 2012 as amended.

7.3 The Instrument of Government proposed for the Governing Body of Addey and Stanhope School conforms to The School Governance (Constitution) (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 is 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 (Constitution) (England) Regulations 2012	2012	http://www.legislation.gov.uk/uksi/2012/1034/regulation/28/made	Suhaib Saeed
The School Governance (Miscellaneous Amendments) (England) Regulations 2015	2015	http://www.legislation.gov.uk/uksi/2015/883/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

1. The name of the school is **Addey and Stanhope School**.
2. The school is co-educational 11-16.
3. The school is a **non-denominational Voluntary Aided School**.
4. The school has a Charitable Trust No 312693 registered with the Charity Commission and the Department for Education.
5. The name of the Governing Body is '**The Governing Body of Addey and Stanhope School**'.
6. The Governing Body shall consist of:
 - a. 4 parent governors
 - b. 1 LA governor
 - c. 1 staff governor
 - d. 1 Headteacher
 - e. 2 co-opted governors
 - f. 11 foundation governors
7. Total number of governors is **20**.
8. The foundation governors are appointed by the resolution of foundation governors in office at the time of the new appointment and whose total number shall exceed all other governors by two.
10. This instrument of government comes into effect on **29 January 2020**.
11. This instrument was made by order of Lewisham Local Authority on **15 January 2020**.
12. Date of variation to Instrument **15 January 2020**
13. 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.