



**London Borough of Hammersmith & Fulham**

**CABINET MEMBER DECISION**

**OCTOBER 2014**

**CONSTITUTION OF THE GOVERNING BODY OF PHOENIX HIGH SCHOOL**

**Report of the CABINET MEMBER FOR EDUCATION**

**Open Report**

**Classification** - For Decision

**Key Decision:** No

**Wards Affected:**

**Accountable Executive Director:** Jane West, Executive Director Finance and Corporate Governance

**Report Author**  
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AUTHORISED BY:

Tha Cabinet Member has signed this report.

DATE: 20 October 2014

**1. EXECUTIVE SUMMARY**

The report recommends a variation in the Instrument of Government for the governing body of Phoenix High School to allow for an additional co-opted governor and a variation in the number of parent governors.

**2. RECOMMENDATIONS**

That the Instrument of Government for the governing body of Phoenix High School, as set out in Appendix 1 of this report, be made, coming into effect from the date of making.

### **3. REASONS FOR DECISION**

The Council is required to make a new Instrument of Government.

### **4. BACKGROUND**

The Education Act 2002 and the School Governance (Constitution) (England) Regulations 2012 require the governing bodies of all maintained schools to conform to a constitutional model.

The regulations set out the options available to schools in terms of the overall number of governors, the categories of governor and the guiding principles for the constitution.

The constitution of each governing body is laid down in a document known as the Instrument of Government. A governing body may at any time change their constitution, in accordance with the regulations, by varying their Instrument of Government.

### **5. UPDATE**

At the Full Governing Body meeting of Phoenix High School held on 15th September 2014 the governors voted to reconstitute the Governing Body to increase the total number of governors by one and vary the number of parent governors. This is in line with the School Governance (Constitution) (England) Regulations 2012. Up until September 2013 Phoenix High School was part of a federation with Canberra Primary School under the School Governance (Federations) (England) Regulations 2007. However, an Academy Order was made for Canberra Primary School under section 4 of the Academies Act 2010 whereby the school ceased to be maintained by the local authority on 1 September 2013 and acquired academy status from that date. Before the date of the discontinuance, the two schools had to establish new, independent governance arrangements. In the case of Phoenix High School it was the local authority's responsibility to do this by making a new Instrument of Government for the school which took effect once the federation was discontinued. Therefore, the Governing Body re-constituted under the School Governance (England) (Constitution) 2012.

The total number of governors will now increase from 14 to 15 and the numbers in each category will be amended to reflect the latest Regulations. The number of governors in each category will change as follows:

- Parent Governors from 5 to 3
- LA Governors will remain at 1
- Staff Governors will remain at 1
- Headteacher

- Partnership governors reduce from 2 to 0
- Co-Opted Governors will increase from 3 to 9

Total = 15

## **6. INSTRUMENT OF GOVERNMENT**

Accordingly, they have asked the Authority to vary their Instrument of Government to show the amended categories of governors.

Appendix 1 of this report sets out the constitution of the governing body in the form of an Instrument of Government, as requested by the governors of Phoenix High School.

## **7. RISK MANAGEMENT**

The subject of the report is not included on a departmental or corporate risk register.

## **8. COMMENTS OF THE EXECUTIVE DIRECTOR OF FINANCE AND CORPORATE GOVERNANCE**

There are no financial implications to the Council.

Comments supplied by Jackie Saddington

## **9. EQUALITY IMPLICATIONS**

There are no equality implications.

## **10. LEGAL IMPLICATIONS**

The School Governance (constitution) (England) Regulations 2012 set out the framework for the constitution of governing bodies and the process of making Instruments of Government. The Instrument of Government proposed in appendix 1 of this report complies with those regulations.

Comments supplied by Jackie Saddington

## **APPENDIX 1**

### **LONDON BOROUGH OF HAMMERSMITH AND FULHAM**

#### **INSTRUMENT OF GOVERNMENT:**

#### **PHOENIX HIGH SCHOOL**

1. The name of the school is Phoenix High School.
2. The school is a Foundation school.
3. The name of the governing body is “The governing body of Phoenix High School”.
4. The governing body shall consist of:
  - a. 3 parent governors
  - b. 1 staff governor
  - c. 1 Local Authority governor
  - d. The Head Teacher
  - e. 9 co-opted governors
5. Total number of governors is 15.
6. This instrument of government comes into effect on the date of making.
7. This instrument was made by order of Hammersmith & Fulham Local Education Authority on .....
8. A copy of the instrument must be supplied to every member of the governing body (and the Head Teacher if not a governor).

**LOCAL GOVERNMENT ACT 2000**  
**LIST OF BACKGROUND PAPERS**

<b>No .</b>	<b>Description of Background Papers</b>	<b>Name/Ext of Holder of File/Copy</b>	<b>Department/Location</b>
1.	Education Act 2002	Jackie Saddington 020 7598 4782	Tri-borough Children's Services Kensington Town Hall
2.	The School Governance (Constitution) (England) Regulations 2012	Jackie Saddington 020 7598 4782	Tri-borough Children's Services Kensington Town Hall