

## **SCHOOL NAME DECISION: PRINCIPLES AND PROCEDURE**

1. In the summer of 2020, following the killing of George Floyd and the Black Lives Matters Protests, a petition was launched to rename Rhodes Avenue Primary School. The petition gained some publicity at local and national level. In light of representations that were made at that time, the Rhodes Avenue Governing Body (GB) made a commitment to consider the school's name.
2. In the absence of any statutory or non-statutory guidance issued by the Secretary of State or the Local Education Authority on factors to take into account when deciding whether to change a school's name, the GB will make the decision in accordance with public law principles. This document sets out the principles and the procedure guiding the GB's decision making on this matter.

### **Public Law Principles**

3. Public law principles mean that public bodies act lawfully, rationally and fairly. These underpin decision making by public bodies. In making its decision whether or not to change the school name, the GB will act in accordance with these principles.
4. '*The judge over your shoulder – a guide to good decision making*', issued by the Government Legal Department, provides useful guidance on public law principles and the principles of good decision making.
5. The guide describes them as follows:
  - *Legality* – a public authority must act within the scope of their powers and for a proper purpose (we must have the power to make the decision).
  - *Procedural Fairness* – a fair process must be followed, which should include an opportunity for consultation and which should be communicated to interested parties. Once the decision is made, there should be disclosure of the full reasons for the decision or the material facts on which it was based.
  - *Reasonableness and Rationality* – decision makers must follow a proper reasoning process to come to a reasonable conclusion. *Relevant factors must be taken into account, irrelevant factors must not be taken into account.*

"Reasonableness" includes an implicit recognition that there will be many ways in which a decision maker might exercise a particular discretion, and that there is more than one lawful conclusion that

might be reached. These principles of reasonableness are called the "*Wednesbury Principles*", after the case in which they were formulated. They state that an unreasonable (or irrational) decision is:

- "a decision which is so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question could have arrived at it"; or
- "beyond the range of responses open to a reasonable decision maker".

An example of an irrational decision might be where the decision maker has attached wholly disproportionate weight to a particular factor or made some other logical blunder, which renders their whole reasoning process unlawful.

### **The Public Sector Equality Duty**

5. Section 149 of the Equality Act 2010 sets out the 'Public Sector Equality Duty'. This states that: a public authority performing a public function must have due regard to the need to:

- eliminate discrimination, harassment or victimisation prohibited by the Equality Act 2010;
- advance equality of opportunity between persons sharing a 'protected characteristic' and persons who do not share it;
- foster good relations between persons with a protected characteristic and persons without it.

6. The protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

7. The PSED obliges a public authority to consider relevant matters that may affect a decision and decide what weight to accord to the equality considerations and how to balance them against countervailing factors. Decision makers must evidence their consideration of the PSED in the decision making process.

### **The material considerations:**

9. The GB will consult meaningfully with relevant parties. The purpose of the consultation will be to seek to understand the views of our community on this issue.

10. The GB will take relevant factors into account, including the history and evidence relating to the naming of the school and community members' views on this matter.

11. The GB will consider the financial implications of changing a school's name and will establish whether any financial assistance would be available towards such costs.

12. The GB will comply with its duty under the PSED and will have due regard to the impact of its decision on groups of people with particular protected characteristics and the need to foster good relations between different groups.

### **The decision-making process**

13. A working party will undertake the work required above and will report the evidence to the GB.

14. A vote of Governors, determined by a simple majority, will be held at a GB meeting in July 2022 to decide whether or not the school will change its name. The decision will be based on the available evidence and individual Governors will take into account the views expressed by our school community, and others whose views we have sought. The decision will be made after all relevant considerations have been taken into account and appropriately weighed. How to weigh the importance of each factor will be a matter for each governor and may vary between them.

15. Once the decision is made it will be communicated to the school community. The GB will provide summary reasons.

### **Principles of Public Life**

15. As school governors are holders of public office, the GB, in its decision making, will act in accordance with ***The Seven Principles of Public Life (the Nolan Principles)*** which state:

- **Selflessness** - Holders of public office should act solely in terms of the public interest.
- **Integrity** - Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in

order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

- **Objectivity** - Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- **Accountability** - Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- **Openness** - Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
- **Honesty** - Holders of public office should be truthful.
- **Leadership** - Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

**Rhodes Avenue Governing Body**  
**March 2022**