

NORTH LINCOLNSHIRE COUNCIL

**CHILDREN, FAMILIES AND LEARNING
CABINET MEMBER**

**RECONSTITUTION OF
LUDDINGTON AND GARTHORPE PRIMARY SCHOOL BOARD OF GOVERNORS**

1. OBJECT AND KEY POINT IN THIS REPORT

- 1.1 To consider approving the instrument of government to allow the board of governors of Luddington and Garthorpe Primary School to be reconstituted to be effective from 1 December 2016.

2. BACKGROUND INFORMATION

- 2.1 At the full board of governors meeting of Luddington and Garthorpe Primary School held on 3 October 2016, the governors voted to reconstitute the board of governors. This was undertaken in accordance with the School Governance (Constitution) (England) Regulations 2012 and the School Governance (Constitution) (Amendment) Regulations 2014.
- 2.2 The above regulations set out the options available to schools in terms of the overall number of governors, the categories of governors and the guiding principles for the constitution. The regulations state that boards should be no bigger than they need to be to carry out their statutory duties and stipulate the categories and number of governors for maintained schools, which is as follows:
- 2 parent governors (minimum)
 - 1 local authority governor (maximum)
 - 1 staff governor (maximum)
 - 1 head teacher
 - As many co-opted governors as necessary to fulfil the skills requirements. Up to a maximum of one third of governors can be staff members.
- 2.3 The constitution of each board of governors is laid down in a document known as the instrument of government. A board of governors may at any time request changes to their constitution, in accordance with the regulations, by varying their instrument of government.
- 2.4 Where changes are proposed, a maintained school's board of governors must prepare a draft instrument of government and submit it to the local authority for approval.

- 2.5 If the local authority is not content with the draft instrument of government it must advise the board of governors and give reasons. If it is not possible for the local authority and the board to agree on a revised draft the local authority will produce a final draft for the school as they think fit, having regard to the category of school to which the school belongs.
- 2.6 Appendix 1 of this report sets out the proposed constitution of the board of governors in the form of an instrument of government, as requested by the governors of Luddington and Garthorpe Primary School.

3. OPTIONS FOR CONSIDERATION

- 3.1 **Option 1:** To approve the new instrument of government for Luddington and Garthorpe Primary School.
- 3.2 **Option 2:** Not to approve the new instrument of government for Luddington and Garthorpe Primary School.

4. ANALYSIS OF OPTIONS

- 4.1 **Option 1:** The proposed instrument of government (see appendix 1) meets the requirements of the relevant legislation.
- 4.1.1 A comparison of the previous instrument of government and the proposed instrument of government is summarised below:

Table 1: Proposed changes in constitution

Previous Instrument of Government	Proposed Instrument of Government
2 Parent governors	2 Parent governors
1 Local authority governor	1 Local authority governor
1 Staff governor	1 Staff governor
1 Ex officio Head teacher	1 Ex officio Head teacher
4 Co-opted governors (to include one staff member)	4 Co-opted governors
Total = 9	Total = 9

4.1.2 The proposed instrument of government will remove the criterion for a co-opted governor to be a staff member. The removal of this restriction will allow greater flexibility and scope to appoint to the co-opted governor category.

4.1.3 Approving the proposed instrument of government will allow for the revised structure of the board of governors to be effective from 1 December 2016.

4.2 **Option 2**

4.2.1 If the instrument of government was not approved, the governing board would have to retain a co-opted position for a staff member which could reduce the flexibility to appoint to this category.

5. **RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)**

5.1 None

6. **OUTCOMES OF INTEGRATED IMPACT ASSESSMENT**

6.1 An integrated impact assessment has not been undertaken in respect of this decision. The change of instrument is required by statutory legislation.

6.2 The School Governance (Constitution) (England) Regulations 2012 and (Amendment) Regulations 2014 set out the framework for the constitution of boards of governors and the process of making instruments of government. The instrument of government proposed in appendix 1 of this report complies with those regulations.

7. **OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED**

7.1 None

8. **RECOMMENDATIONS**

8.1 It is recommended that option 1 be implemented.

ASSISTANT DIRECTOR EDUCATION

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Background Papers used in the preparation of this report:

- 1 DfE Guidance, May 2014: The constitution of boards of governors of maintained schools. Statutory guidance for board of governors of maintained schools and local authorities in England
- 2 DfE Guidance, October 2012, School Governance (Constitution) (England) (Amendment) Regulations 2014: Statutory guidance for governing bodies, local authorities, school leaders in England and governor organisations and other organisations with an interest
- 3 The School Governance (Constitution) (England) Regulations 2012 and The School Governance (Constitution & Federations) (England) (Amendment) Regulations 2014

INSTRUMENT OF GOVERNMENT COMMUNITY SCHOOLS

- 1 The name of the school is Luddington and Garthorpe Primary School.
- 2 The school is a community school.
- 3 The name of the governing board is “the governing board of Luddington and Garthorpe Primary School”.
- 4 The governing board shall consist of:
 - (a) head teacher
 - (b) 1 x staff governor
 - (c) 2 x parent governors
 - (d) 1 local authority governor
 - (e) 4 x co-opted governors
- 5 Total number of governors 9.
- 6 This Instrument of Government comes into effect 1 December 2016.
- 7 This Instrument was made by order of North Lincolnshire Local Authority in November 2016.
- 8 A copy of the Instrument must be supplied to every member of the governing board (and the head teacher if not a governor).

NB co-opted governors can be staff members provided that no more than one third (3) of full governing board including head teacher and the elected staff governor are staff members