

NORTH LINCOLNSHIRE COUNCIL

**CHILDREN, FAMILIES AND LEARNING
CABINET MEMBER**

**RECONSTITUTION OF
LINCOLN GARDENS 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 Lincoln Gardens Primary School to be reconstituted to be effective from 15 May 2017.

2. BACKGROUND INFORMATION

- 2.1 At the full board of governors meeting of Lincoln Gardens Primary School held on 29 March 2017, the governors voted to reconstitute the board of governors in line 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 governor and the guiding principles for the constitution. The regulations give the board of governors more flexibility with their constitution and state that boards should be no bigger than they need to be to carry out their statutory duties. The regulations stipulate the categories and number of governors for maintained schools 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 constitution of the board of governors in the form of an instrument of government, as requested by the governors of Lincoln Gardens Primary School.

3. OPTIONS FOR CONSIDERATION

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

4. ANALYSIS OF OPTIONS

- 4.1 **Option 1:** The proposed instrument of government in Appendix 1, meets the requirements of 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 |
|---|---|
| 5 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 |
| 7 Co-opted governors (to include two staff members) | 7 Co-opted governors (to include one member of staff) |
| Total = 15 | Total = 12 |

4.1.2 The governing board have reviewed the constitution and followed the requirements of the DfE guidance to have two elected parent governors; and to co-opt other governors as necessary to ensure that the board has the skills required to effectively govern the school. The proposed instrument reduces the restriction to have five elected parent governors to the minimum requirement of two, and gives the board greater flexibility to co-opt governors based on the skills requirements.

4.1.3 Due to current vacancies on the governing board, no governors will be displaced as a result of the revised constitution. The new constitution also follows the DfE advice of smaller, more skills based governing boards.

4.1.4 The revised constitution allows the board to have the skills required to enable governors to fulfil their three core strategic functions:

- Ensuring clarity of vision, ethos and strategic direction;
- Holding the head teacher to account for the educational performance of the school and its pupils, and the performance management of staff;
- Overseeing the financial performance of the school and making sure its money is well spent.

4.1.5 Approving the instrument of government will allow for the revised structure of the board of governors to be effective from 15 May 2017.

4.2 **Option 2**

4.2.1 If the instrument of government was not approved, the governing board would retain parent governor vacancies and this would also restrict the flexibility to appoint to the board based on the skills requirements.

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.

DIRECTOR OF LEARNING, SKILLS AND CULTURE

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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 Lincoln Gardens Primary School.
- 2 The school is a community school.
- 3 The name of the governing board is “the governing board of Lincoln Gardens Primary School”.
- 4 The governing board shall consist of:
 - (a) head teacher
 - (b) 1 x staff governor
 - (c) 2 x parent governors
 - (d) 1 x local authority governor
 - (e) 7 x co-opted governors (to include two staff members)
- 5 Total number of governors 12.
- 6 This Instrument of Government comes into effect from 15 May 2017.
- 7 This Instrument was made by order of North Lincolnshire Local Authority in April 2017.
- 8 A copy of the Instrument must be supplied to every member of the governing board (and the head teacher if not a governor).