

**NORTH LINCOLNSHIRE COUNCIL**

**PEOPLE SERVICE CABINET MEMBER**

**RECONSTITUTION OF  
WINTERTON CHURCH OF ENGLAND INFANT SCHOOL  
GOVERNING BODY**

**1. OBJECT AND KEY POINT IN THIS REPORT**

- 1.1 To consider approving the instrument of government to allow the governing body of Winterton Church of England Infant School to be reconstituted.

**2. BACKGROUND INFORMATION**

- 2.1 At the full governing body meeting of Winterton Church of England Infant School, held on 19 March 2014, the governors voted to reconstitute the governing body to bring it in line with the School Governance (Constitution) (England) Regulations 2012<sup>1</sup>.
- 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 also require all maintained schools to reconstitute their governing body by 1 September 2015.
- 2.3 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 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 governing body 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 governing body and give reasons. If it is not possible for the local authority and governing body to agree on a revised draft the local

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<sup>1</sup> Where governors chose to reconstitute their governing body after 1 September 2014, they must also have reference to School Governance (Constitution and Federations) (England) (Amendment) Regulations 2014. The guidance supporting this legislation, describes 11 main points that governing bodies must consider prior to reconstitution.

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 A comparison of the previous instrument of government and the proposed instrument of government is summarised below:

**Table 1: Proposed changes in constitution**

<b>Previous Instrument of Government</b>	<b>Proposed Instrument of Government</b>
5 Parent governors	2 Parent governors
1 Local education authority governor;	1 head teacher
3 Staff governors, including head teacher;	1 local authority governors
1 Ex officio foundation governor;	1 staff governors
2 Foundation governors	3 foundation governor
4 Community governors	4 Co-opted governors
Total = 16	Total 12

*\*local education authority \*\*local authority*

- 2.7 The 2012 regulations give the governing bodies more flexibility with their constitution and state that governing bodies should be no bigger than they need to be to carry out their statutory duties.

- 2.8 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 Winterton CE Infant School.

### 3. OPTIONS FOR CONSIDERATION

- 3.1 **Option 1:** To approve the new instrument of government for Winterton CE Infant School.
- 3.2 **Option 2:** Not to approve the new instrument of government for Winterton CE Infant School.

### 4. ANALYSIS OF OPTIONS

#### 4.1 Option 1:

- 4.1.1 The proposed instrument of government, shown in appendix 1, meets the requirements of relevant legislation.

4.1.2 Approving the instrument of government will allow for the revised structure of the governing body for the infant school to be put in place on 1 October 2014.

4.1.3 The governing body will be reduced from 16 governors to 12 governors. There are currently 13 governors serving governors.

4.1.4 The LEA (local education authority) governor will be moved across to the local authority position.

#### **4.2 Option 2**

4.2.1 If the instrument of government was not approved for the infant school, then an alternative structure would have to be put in place prior to 1 September 2015.

### **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 sets 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.

### **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 PEOPLE

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**Background Papers used in the preparation of this report:**

- 1 DfE Guidance, May 2014: The constitution of governing bodies of maintained schools Statutory guidance for governing bodies of maintained schools and local authorities in England
- 2 DfE Guidance, October 2012, The School Governance Constitution Regulations 2012: 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

**INSTRUMENT OF GOVERNMENT  
VOLUNTARY CONTROLLED SCHOOLS**

1. The name of the school is Winterton Church of England Infant School.
2. The school is a voluntary controlled school.
3. The name of the governing body is “The governing body of Winterton Church of England Infant School”.
4. The governing body shall consist of:

Elected parent governors	2
The head teacher	1
Local authority governor	1
Elected staff governor	1
Foundation	3
Co-opted	4
<b>Total</b>	<b>12</b>

5. Total number of governors 12.
6. The foundation governors shall comprise:-
  - (a) one ex officio foundation governor
  - (b) two foundation governors appointed by the Lincoln Diocesan Board of Education after consultation with Parochial Church Council of the parish in which the school is situated, being people who are fit and willing to support the Anglican ethos, values and aims of the school and be a person of faith
7. (a) The holder of the following office shall be a foundation governor ex-officio:
 

Principal Officiating Minister (i.e. the incumbent or priest in charge of the parish in which the school is situated or a team vicar with a special cure of souls for the area in which the school is situated)

  - (b) The Archdeacon of the Archdeaconry in which the school is situated after consultation with the Rural Dean of the Deanery in which the school is situated shall be entitled to appoint a foundation governor to act in the place of the ex officio foundation governor whose governorship derives from the office named in (a) above, in the event that that ex-officio foundation governor is unable or unwilling to act as a foundation governor or has been removed from office under regulation 23(2) of the Regulations.
8. The Archdeacon of the Archdeaconry in which the school is situated, after consultation with the Rural Dean with oversight for the parish in which the school is situated is entitled to request the removal of any ex-officio foundation governor and appoint a substitute governor.

- 9 Recognising its historic foundation, the school will preserve and develop its religious character in accordance with the principles of the Church of England and in partnership with the Church at parish and diocesan level. The school aims to serve its community by providing an education of the highest quality within the context of Christian belief and practice. It encourages an understanding of the meaning and significance of faith and promotes Christian values through the experience it offers to all its pupils.
- 10 This instrument of government comes into force on 1<sup>st</sup> October 2014.
- 11 This instrument was made by order of North Lincolnshire Council Education Authority on the ..... day of ..... 2014
- 12 A copy of this instrument must be supplied to every member of the governor body (and the head teacher if not a governor), any trustees and to the appropriate religious body