

**NORTH LINCOLNSHIRE COUNCIL**

**CHILDREN'S SERVICES  
CABINET MEMBER**

**RECONSTITUTION OF  
EASTOFT CHURCH OF ENGLAND 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 Eastoft Church of England Primary School to be reconstituted.

**2. BACKGROUND INFORMATION**

- 2.1 At the full board of governors meeting of Eastoft Church of England Primary School held on 1 October 2014, the governors voted to reconstitute the board of governors to bring it 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 also require all maintained schools to reconstitute their board of governors by 1 September 2015.
- 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. Where the school is a Church school, the instrument of government must first be approved by the diocesan authority.
- 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 board of governors 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 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>
2 Parent governors	2 Parent governors
2 Authority governors	1 Local Authority governor
2 Staff governors (inc head teacher)	1 Staff governor
8 Foundation governors	1 Head teacher
	7 Foundation governors
<b>Total = 14</b>	<b>Total = 12</b>

2.7 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
- 2 foundation governors (minimum)
- 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.

2.8 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 Eastoft Church of England Primary School.

### **3. OPTIONS FOR CONSIDERATION**

- 3.1 **Option 1:** To approve the new instrument of government for Eastoft Church of England Primary School.
- 3.2 **Option 2:** Not to approve the new instrument of government for Eastoft Church of England Primary 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 board of governors to take effect from 1 September 2015.
- 4.1.3 The board of governors will be reduced to 12 which is considered to be the optimum size for effective governance of the school. Due to vacancies on the board of governors, no governors will be displaced.
- 4.1.4 One authority governor will be moved across to the local authority position and the other authority governor will be appointed to a foundation governor position.

#### **4.2 Option 2**

- 4.2.1 If the instrument of government was not approved 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 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 PEOPLE**

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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 boards of governors of maintained schools and local authorities in England
- 2 DfE Guidance, October 2012, The School Governance Constitution Regulations 2012: Statutory guidance for boards of governors, 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 AIDED SCHOOLS**

- 1 The name of the school is Eastoft Church of England Primary School.
- 2 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.
- 3 The school is a voluntary aided school.
- 4 The Board of Governors is Eastoft Church of England Primary School.
- 5 The Board of Governors shall consist of:
  - (a) 7 x foundation governors (including ex officio), except at any time when the head teacher has given notice as above that he/she chooses not to be a governor, (see paragraphs (7) and (8) below) when the number of foundation governors will be 6.
  - (b) 2 x parent governors;
  - (c) 1 x local authority governor;
  - (d) 1 x head teacher
  - (e) 1 x staff governor;
- 6 Total number of governors 12.
- 7 The foundation governors of the school shall comprise:-
  - (a) One ex officio governor being, subject to paragraph (8), the principal officiating minister means:-
    - (i) if the school is for the time being situated in an ecclesiastical parish the rector or vicar of the parish, or in the case of a team ministry the team rector; or
    - (ii) if the ecclesiastical parish has no rector or vicar, the priest in charge thereof; or
    - (iii) if the school is for the time being situated in a conventional district, the curate in charge.

- (b) One appointed by the Diocesan Board of Education for Sheffield;
  - (c) Five nominated by the Parochial Church Council for Eastoft and appointed by the Diocesan Board of Education, at least two of whom shall, at the time of their appointment, be eligible for appointment as parent governors.
- 8 If the principal officiating minister for the time being:
- (a) elects not to be an ex officio governor, by notice in writing given to the clerk to the Board of Governors and to the Archdeacon of the Archdeaconry within which the School is situated; or
  - (b) without the consent of the said Archdeacon has failed to attend the meetings of the governing body for a continuous period of six months beginning with the date of a meeting; or
  - (c) is disqualified from acting as an ex officio governor; or if there is for the time being a vacancy of the benefice, then the said Archdeacon may, by notice in writing given to the clerk to the governing body and (except in the case of a vacancy) to the minister, specify a person to act as a substitute for the minister; and the person so specified shall be the ex officio governor (for the purposes of paragraph (7a)) for such period as the Archdeacon may from time to time specify.
- 9 The said Archdeacon may under regulation 23(2) of the Regulations, remove the Ex-officio foundation governor and appoint any substitute governor.
- 10 This instrument of government comes into effect on 1 September 2015
- 11 This instrument was made by order of North Lincolnshire Council in August 2015.
- 12 A copy of the instrument must be supplied to every member of the Board of Governors (and the head teacher if not a governor), any trustees and to the appropriate religious body.