

NORTH LINCOLNSHIRE COUNCIL

PEOPLE CABINET MEMBER

**RECONSTITUTION OF
BURTON UPON STATHER PRIMARY 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 Burton upon Stather Primary School to be reconstituted.

2. BACKGROUND INFORMATION

- 2.1 At the full governing body meeting of Burton upon Stather Primary School, held on 16 September 2014, the governors voted to reconstitute the governing body 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 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 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

Previous Instrument of Government	Proposed Instrument of Government
5 Parent governors	2 Parent governors
3 Local Education Authority governors	1 Local Authority governor
3 Staff governors (inc head teacher)	1 Staff governor
3 Community governors	1 Head teacher
	7 Co-opted governors
Total = 14	Total = 12

- 2.7 The 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. The regulations stipulate the categories and number of governors for community 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.

- 2.8 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 Burton upon Stather Primary School.

3. OPTIONS FOR CONSIDERATION

- 3.1 **Option 1:** To approve the new instrument of government for Burton upon Stather Primary School
- 3.2 **Option 2:** Not to approve the new instrument of government for Burton upon Stather 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 governing body for the primary school to be put in place on 1 January 2015.
- 4.1.3 The governing body will be reduced from 14 governors to 12 governors.
- 4.1.4 There are currently three local education authority (LEA) governors, and a vote was held by the governing body to select one governor who will move over to the local authority (LA) position. The other displaced LA governors have been given the opportunity to put their name forward to be co-opted governors.
- 4.1.5 Of the five parent governor positions, there are currently two vacancies. The three serving parent governors expressed a preference to continue. Following a vote, two of the parents were selected to move across to the new governing body, with the remaining parent given the option to apply for the co-opted positions.
- 4.1.6 One staff governor will transfer to the new governing body, and the remaining staff member will also be given the opportunity to apply for the co-opted position should they wish to.

4.2 Option 2

- 4.2.1 If the instrument of government was not approved for the primary 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 and The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2014 set 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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Date:

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 and The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2014

INSTRUMENT OF GOVERNMENT COMMUNITY SCHOOLS

- 1 The name of the school is Burton Upon Stather Primary School.
- 2 The school is a community school.
- 3 The name of the governing body is “the governing body of Burton Upon Stather Primary School”.
- 4 The governing body shall consist of:
 - (a) 2 x parent governors; (elected)
 - (b) 1 x LA governor;
 - (c) 1 x ex officio head teacher
 - (d) 1 x staff governor (elected)
 - (e) 7 x co-opted governors (may include 2 staff members);
- 5 Total number of governors 12.
- 6 This Instrument of Government comes into effect 1 January 2015.
- 7 This Instrument was made by order of North Lincolnshire Local Authority in November 2014.
- 8 A copy of the Instrument must be supplied to every member of the governing body (and the head teacher if not a governor).

NB co-opted governors can be staff members provided that no more than one third of full governing body including head and elected staff governors are staff members