

NORTH LINCOLNSHIRE COUNCIL

CHILDREN'S SERVICES CABINET MEMBER

**RECONSTITUTION OF
HAXEY CHURCH OF ENGLAND 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 Haxey Church of England Primary School to be reconstituted.

2. BACKGROUND INFORMATION

- 2.1 At the governing body meeting of Haxey Church of England Primary School held on 7 May 2015, 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 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 governing body 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 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
1 Local Authority governor	1 Local Authority governor
3 Staff governors (inc head teacher)	1 Staff governor
3 Community governors	1 Head teacher
3 Foundation governors (inc ex-officio foundation)	4 Co-opted governors
	3 Foundation governors (inc ex-officio foundation)
Total = 15	Total = 12

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 governing body in the form of an instrument of government, as requested by the governors of Haxey Church of England Primary School.

3. **OPTIONS FOR CONSIDERATION**

- 3.1 **Option 1:** To approve the new instrument of government for Haxey Church of England Primary School
- 3.2 **Option 2:** Not to approve the new instrument of government for Haxey 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 governing body to take effect from 1 September 2015.
- 4.1.3 The governing body will be reduced to 12 which is considered to be the optimum size for effective governance of the school.
- 4.1.4 The local authority governor will move across to the local authority position.
- 4.1.5 Of the 5 parent positions, there are 2 vacancies, and of the 3 current parent governors, following a vote by the board of governors, 2 will move across to the parent governor positions, with the one remaining parent being given the opportunity to apply for a co-opted position.
- 4.1.6 Following a vote by the governing body, one of the existing staff governors will transfer across to the new board of governors and the remaining staff governor will be given the opportunity to apply for a co-opted position. (Up to a maximum of one third of governors can be staff members).
- 4.1.7 Two foundation governors (one ex-officio) will move across to the newly reconstituted governing body leaving one foundation governor vacancy to be appointed by the Diocese.

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 CONTROLLED SCHOOLS**

- 1 The name of the school is Haxey Church of England Primary School.
- 2 The school is a voluntary controlled school.
- 3 The name of the governing body is “the governing body of Haxey Church of England Primary School”.
- 4 The governing body shall consist of:
 - (a) Head Teacher
 - (b) 1 elected staff governor
 - (c) 2 elected parent governors
 - (d) 3 foundation governors (see paragraphs (6) and (7) below);
 - (e) 1 authority governor
 - (f) 4 co-opted governors
- 5 Total number of governors 12 (except any time when the head teacher has given notice as above that he chooses not to be a governor, when the total number of governors will be 11)
- 6 The Lincoln Diocesan Board of Education is entitled to appoint one ex-officio foundation governor.
 - (a) The Lincoln Diocesan Board of Education after consultation with Parochial Church Council, or if appropriate the Village Church Council or District 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 is entitled to appoint 2 foundation governors.
- 7 The holder of the following office shall be a foundation governor ex-officio:
 - (a) The 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)
- 8 The Archdeacon of the Archdeaconry in which the school is situated, after consultation with the Rural 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 7(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 21(1) of the Regulations.

- 9 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.
- 10 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.
- 11 This instrument of government comes into effect 1 September 2015.
- 12 This instrument was made by order of North Lincolnshire Local Authority in June 2015.
- 13 A copy of the instrument must be supplied to every member of the governing body (and the head teacher if not a governor), and to the appropriate religious body.