

NORTH LINCOLNSHIRE COUNCIL

PEOPLE CABINET MEMBER

**RECONSTITUTION OF
JOHN HARRISON CHURCH OF ENGLAND 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 John Harrison Church of England Primary School to be reconstituted.

2. BACKGROUND INFORMATION

- 2.1 At the full board of governors' meeting of John Harrison Primary School, held on 23 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 & Federation) (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 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 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 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	3 Parent governors
2 Local education authority governors	1 Local authority governor
3 Staff governors	1 Staff governor
3 Foundation governors (inc. 1 ex officio)	1 Ex officio Head teacher
2 Community governors	2 Foundation governors
	4 Co-opted governors
Total = 15	Total = 12

- 2.7 The 2014 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 foundation 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 John Harrison Church of England Primary School.

3. OPTIONS FOR CONSIDERATION

- 3.1 **Option 1:** To approve the new instrument of government for John Harrison Church of England Primary School.

- 3.2 **Option 2:** Not to approve the new instrument of government for John Harrison 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 and has been approved by the diocesan authority. The board of governors will reduce from 15 to 12.

4.1.2 Approving the instrument of government will allow for the revised structure of the board of governors for the primary school to be put in place on 1 February 2015.

4.1.3 The local education authority governor will transfer over to the local authority position.

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 (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 PEOPLE

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Background Papers used in the preparation of this report:

- 1 DfE Guidance, May 2012: 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
VOLUNTARY CONTROLLED SCHOOLS**

1. The name of the school is John Harrison Church of England Primary School.
2. The school is a voluntary controlled school.
3. The name of the governing body is “The board of governors of John Harrison Church of England Primary School”.
4. The board of governors shall consist of:
 - (a) 3 x parent governors (elected);
 - (b) 1 x local authority governor;
 - (c) 1 x staff governor (elected);
 - (d) 1 x ex officio head teacher;
 - (e) 2 x foundation governors;
 - (f) 4 x co-opted governors

NB co-opted governors can be staff members provided that no more than one third of the board of governors including head teacher and elected staff governors are staff members

5. Total number of governors 12.
6. The foundation governors shall comprise:-
 - (a) one ex officio foundation governor
 - (b) one foundation governor appointed by the Lincoln Diocesan Board of Education after consultation with Parochial Church Council, or if appropriate the VCC or DCC, 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 effect on 1 February 2015

11. This instrument was made by order of North Lincolnshire Council Local Education Authority in January 2015

12 A copy of the instrument must be supplied to every member of the governor body (and the head teacher if not a governor), and to the appropriate religious body.