

NORTH LINCOLNSHIRE COUNCIL

PEOPLE CABINET MEMBER

**RECONSTITUTION OF OAKFIELD PRIMARY SCHOOL'S
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 Oakfield Primary School to be reconstituted.

2. BACKGROUND INFORMATION

- 2.1 At the full board of governors meeting of Oakfield Primary School held on 5 March 2015 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) (England) (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.
- 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
4 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
	8 co-opted governors
Total = 13	Total = 13

- 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
- 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 Oakfield Primary School.

3. OPTIONS FOR CONSIDERATION

- 3.1 **Option 1:** To approve the new instrument of government for Oakfield Primary School.
- 3.2 **Option 2:** Not to approve the new instrument of government for Oakfield 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 for the primary school to be put in place on 1 May 2015.
- 4.1.3 The board of governors will remain at 13 governors which is considered to be the optimum size for effective governance of the school.
- 4.1.4 Of the three local authority positions there are currently two in office; one will move across to the local authority position on the reconstituted board of governors. The remaining LA governor will be given the option to apply for a co-opted position on the new board.
- 4.1.5 Of the three staff positions (one of whom is the head teacher) the head teacher and another staff member will transfer across. The remaining staff governor will be given the opportunity to apply for a co-opted position on the new board

4.2 Option 2

- 4.2.1 If the instrument of government was not approved for Oakfield 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) (Amendment) Regulations 2014 sets out the framework for the schools proposing to federate 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 board of governors of maintained schools and local authorities in England
- 2 DfE Guidance, October 2012, School Governance (Constitution) (England) (Amendment) 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) (Amendment) Regulations 2014

**INSTRUMENT OF GOVERNMENT
COMMUNITY AND COMMUNITY SPECIAL SCHOOLS**

1. The name of the school is Oakfield Primary School.
2. The school is a community school.
3. The name of the governing body is "The governing body of Oakfield Primary School".
4. The governing body shall consist of:
 - (a) 2 x parent governors;
 - (b) 1 x local authority governor;
 - (c) 1 x head teacher;
 - (d) 1 x staff governor;
 - (d) 8 x co-opted governors;
5. Total number of governors 13.
6. This Instrument of Government comes into effect on 1 May 2015.
7. This Instrument was made by order of North Lincolnshire Local Authority in April 2015.
8. A copy of the instrument must be supplied to every member of the governing body (and the head teacher if not a governor).