

NORTH LINCOLNSHIRE COUNCIL

PEOPLE CABINET MEMBER

**RECONSTITUTION OF
THE TRENTSIDE FEDERATION (ST MARTIN'S AND WEST BUTTERWICK
CHURCH OF ENGLAND PRIMARY SCHOOLS) 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 The Trentside Federation to be reconstituted.

2. BACKGROUND INFORMATION

- 2.1 At a special board of governors' meeting of The Trentside Federation held on 19 November 2014, the governors voted to reconstitute the board of governors to bring it in line with The School Governance (Federations) (England) Regulations 2012 and the School Governance (Constitution and Federations) (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. 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
4 parent governors	2 parent governors
2 local education authority governors	1 local authority governor
5 staff governors (inc head teacher)	2 staff governor (inc head teacher)
6 foundation governors	3 foundation governors
2 community governors	4 co-opted governors
Total = 19	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 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 The Trentside Federation.

3. OPTIONS FOR CONSIDERATION

- 3.1 **Option 1:** To approve the new instrument of government for The Trentside Federation.
- 3.2 **Option 2:** Not to approve the new instrument of government for The Trentside Federation.

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.
- 4.1.2 Approving the instrument of government will allow for the revised structure of the board of governors to be put in place on 1 February 2015.
- 4.1.3 The board of governors will be reduced from 19 governors to 12 governors. No governor will be displaced due to vacancies on the current governing body, there are only 10 serving governors.
- 4.1.4 The only LEA (local education authority) governor will transfer across to the local authority position.

4.2 Option 2

- 4.2.1 If the instrument of government was not approved for The Trentside Federation, 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 (Federations) (England) Regulations 2012 and (Amendment) Regulations 2014 set out the framework for the constitution of federations 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

Civic Centre
Ashby Road
Scunthorpe, North Lincolnshire
DN16 1AB
Authors: Joanne Edgar/Steve Piper
Date: 30 December 2014

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 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 (Federations) (England) Regulations 2012 and The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2014

**INSTRUMENT OF GOVERNMENT
VOLUNTARY AIDED AND VOLUNTARY CONTROLLED SCHOOLS
IN A FEDERATION (Appendix I)**

1. The name of the Federation is The Trentside Federation.
2. The names and categories of the schools in the federation are:
 - St Martin’s Church of England Primary School (voluntary aided)
 - West Butterwick Church of England Primary School (voluntary controlled)
3. The name of the governing body is “The governing body of The Trentside Federation”.
4. The governing body shall consist of:

Elected parent governors	2 (one elected from St Martin’s School and one elected from West Butterwick School)
The head teacher	1
Local authority governor	1
Elected staff governor	1 (elected across St Martin’s School and West Butterwick School)
Foundation	3
Co-opted	4

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 West Butterwick school is situated, being a person who is fit and willing to support the Anglican ethos, values and aims of the school and be a person of faith
 - (c) 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 St Martin’s school is situated, being a person who is fit and willing to support the Anglican ethos, values and aims of the school and be a person of faith
 - (d) in the event that either Parochial Church Council is unable to fill their place then such vacant place can be filled by someone nominated by the other Parochial Church Council.

- 7 (a) The foundation governor ex-officio shall be the holder of one of the following offices by agreement between the office holders:
- Principal Officiating Minister (i.e. the incumbent or priest in charge of the parish in which the West Butterwick School is situated or a team vicar with a special cure of souls for the area in which this school is situated)
- Principal Officiating Minister (i.e. the incumbent or priest in charge of the parish in which the St Martin's School is situated or a team vicar with a special cure of souls for the area in which this school is situated)
- (b) The Archdeacon of the Archdeaconry in which the schools are situated after consultation with the Rural Dean of the Deanery in which the schools are 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 schools are situated, after consultation with the Rural Dean with oversight for the parishes in which the schools are 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 force on 1st February 2015.
- 11 This instrument was made by order of North Lincolnshire Local Authority in January 2015
- 12 A copy of this instrument must be supplied to every member of the governor body (and the head teacher if not a governor), any trustees and to the appropriate religious body