

NORTH LINCOLNSHIRE COUNCIL

PEOPLE CABINET MEMBER

**RECONSTITUTION OF
SIR JOHN NELTHORPE 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 Sir John Nelthorpe School to be reconstituted.

2. BACKGROUND INFORMATION

- 2.1 At the full board of governors meeting of Sir John Nelthorpe School, held on 9 December 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 & Federations) (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 board of governors 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 has a foundation the instrument must first be approved by the founding 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 board of governors 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
2 Parent governors	2 Parent governors
1 Local Education Authority governors	1 Local Authority governor
3 Staff governors (inc head teacher)	1 Staff governor
1 Ex officio foundation governor	1 Ex officio Head teacher
2 Foundation governors	1 Ex officio foundation governor
3 Co-opted governors	2 Foundation governors
	5 Co-opted governors
Total = 12	Total = 13

- 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 Sir John Nelthorpe School.

3. **OPTIONS FOR CONSIDERATION**

- 3.1 **Option 1:** To approve the new instrument of government for Sir John Nelthorpe School
- 3.2 **Option 2:** Not to approve the new instrument of government for Sir John Nelthorpe 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 foundation.
- 4.1.2 Approving the instrument of government will allow for the revised structure of the board of governors for the school to be put in place on 1 February 2015.
- 4.1.3 The board of governors will be increased from 12 governors to 13 governors to retain the expertise needed for the efficient functioning of the governing body in the best interests of the school.

4.2 **Option 2**

- 4.2.1 If the instrument of government was not approved for the 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 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 & Federations) (England) (Amendment) Regulations 2014

INSTRUMENT OF GOVERNMENT VOLUNTARY CONTROLLED SCHOOLS

1. The name of the school is Sir John Nelthorpe School.
2. The school is a voluntary controlled school.
3. The name of the governing body is “the governing body of Sir John Nelthorpe 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) 1 x ex officio foundation governor
 - (f) 2 x foundation governors (see paragraph (6) below);
 - (e) 5 x co-opted governors (may include 2 staff members);
5. Total number of governors 13 (except any time when the head teacher has given notice as above that she/he chooses not to be a governor, when the total number of governors will be 12).
6. The foundation governors shall comprise:-
 - (a) One ex-officio governor being the Lord of the Manor of Scawby for the time being. Provided that the said Lord of the Manor may from time to time, by writing under his hand duly notified to the governors, delegate his office as governor to some fit person for any specified period, if the person delegating his office so long remain Lord of the Manor;
 - (b) Two foundation governors, appointed by resolution of the foundation governors for the time being in office.
7. This Instrument of Government comes into effect on 1 February 2015.
8. This Instrument was made by order of North Lincolnshire Local Authority in January 2015
9. A copy of the instrument must be supplied to every member of the governing body (and the head teacher if not a governor).