

NORTH LINCOLNSHIRE COUNCIL

PEOPLE CABINET MEMBER

**RECONSTITUTION OF
MESSINGHAM 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 Messingham Primary School to be reconstituted.

2. BACKGROUND INFORMATION

- 2.1 At the full board of governors meeting of Messingham Primary School held on 23 September 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) (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.
- 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 |
|--|--|
| 5 Parent governors | 2 Parent governors |
| 3 Authority governors | 1 Local Authority governor |
| 3 Staff governors (inc head teacher) | 1 Staff governor |
| 4 Community governors | 1 Head teacher |
| | 8 Co-opted governors |
| Total = 15 | Total = 13 |

2.7 The regulations give the governing bodies more flexibility with their constitution and state that governing bodies 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 community 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 Messingham Primary School.

3. **OPTIONS FOR CONSIDERATION**

3.1 **Option 1:** To approve the new instrument of government for Messingham Primary School

3.2 **Option 2:** Not to approve the new instrument of government for Messingham 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 to be put in place on 1 January 2015.

4.1.3 The board of governors will be reduced to 13 and no governors will be displaced as there are currently vacancies.

4.1.4 Following a vote by the governing body, one authority governor will be moved across to the local authority position, and the remaining two authority governors will apply for co-opted positions.

4.1.5 Of the five parent governor positions, there will be only two parent governors serving at the time the reconstitution takes effect. Therefore, the two remaining parents will move across to the new governing body.

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

INSTRUMENT OF GOVERNMENT COMMUNITY AND COMMUNITY SPECIAL SCHOOLS

1. The name of the school is Messingham Primary School.
2. The school is a community school.
3. The name of the Board of Governors is "The Board of Governors of Messingham Primary School".
4. The board of governors shall consist of:
 - (a) Ex-officio head teacher
 - (b) 1 x staff governor;
 - (c) 2 x elected parent governors;
 - (d) 1 x authority governor;
 - (e) 8 x co-opted governors; (2 positions to be ring fenced for staff members)
5. Total number of governors 13.
6. This Instrument of Government comes into effect on 1 January 2015.
7. This Instrument was made by order of North Lincolnshire Local Authority in November 2014.
8. A copy of the instrument must be supplied to every member of the board of governors (and the head teacher if not a governor).