

NORTH LINCOLNSHIRE COUNCIL

**CHILDREN, FAMILIES AND LEARNING
CABINET MEMBER**

**RECONSTITUTION OF
BERKELEY FEDERATION BOARD OF GOVERNORS AND CHANGE OF
SCHOOL NAME**

1. OBJECT AND KEY POINT IN THIS REPORT

- 1.1 Berkeley Infant School and Berkeley Junior School will become a primary school with effect from 1 September 2016. This report seeks Cabinet Member's approval to change the instrument of government so the school can be renamed and the governing body can be reconstituted.

2. BACKGROUND INFORMATION

- 2.1 Berkeley Infant School and Berkeley Junior School are currently federated and have a single board of governors.
- 2.2 On the 18 January 2016 approval was granted for Berkeley Infant School and Berkeley Junior School to amalgamate with effect from 1 September 2016. Subsequently, at the full board of governors meeting of the Berkeley Federation held on 8 February 2016 the governors voted to change the name of the school to Berkeley Primary School.
- 2.3 In addition to the proposed change of name, on 13 June 2016, the board of governors voted to reconstitute the board of governors. The School Governance (Constitution) (Governance) Regulations 2012 and the School Governance (Constitution) (Amendment) Regulations 2014 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.
- 2.4 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.
- 2.5 To confirm changes to a school's instrument of government the draft instrument must be submitted to the local authority for approval.
- 2.6 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.
- 2.7 Appendix 1 of this report sets out the name change and the revised constitution of the board of governors in the form of an instrument of government, as requested by current board of governors.

3. **OPTIONS FOR CONSIDERATION**

- 3.1 **Option 1:** To approve the new instrument of government for the constitution this includes the change of school name to Berkeley Primary School.
- 3.2 **Option 2:** Not to approve the new instrument of government for the constitution and change of school name to Berkeley 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 take effect from 1 September 2016.
- 4.1.3 Governors propose to reduce the board of governors to 17, which they consider to be the optimum size for effective governance of the school.
- 4.1.4 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 Authority governors	1 Local Authority governor
2 Head teachers	1 Ex officio head teacher
1 Staff governor	1 Staff governor
15 Co-opted governors	12 Co-opted governors
Total = 21	Total = 17

4.1.5 All co-opted governors have been asked to submit an expression of interest should they wish to continue on the new board. Dependent on the number of expressions received there may be one co-opted governor displaced by the reconstitution. Expressions of interest will be considered based on the skills the governors hold, and their potential to contribute to the effectiveness of the governing board.

4.1.6 No other governors will be displaced by the new constitution.

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 2016.

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.

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

Appendix 1

INSTRUMENT OF GOVERNMENT COMMUNITY SCHOOLS

- 1 The name of the school is Berkeley Primary School.
- 2 The school is a community school.
- 3 The name of the governing board is the Berkeley Primary School Board of Governors
- 4 The board of governors shall consist of:
 - 2 x parent governors
 - 1 x local authority governor
 - 1 x staff governor
 - 1 x ex officio head teacher
 - 12 x co-opted governors (can include a maximum of 3 staff members)
- 5 Total number of governors 17.
- 6 This Instrument of Government comes into effect 1 September 2016.
- 7 This Instrument was made by order of North Lincolnshire Local Authority in July 2016.
- 8 A copy of the Instrument must be supplied to every member of the governing board (and the head teacher if not a governor).