

NORTH LINCOLNSHIRE COUNCIL

**CHILDREN, FAMILIES AND LEARNING
CABINET MEMBER**

**RECONSTITUTION OF
BURTON UPON STATHER 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 Burton upon Stather Primary School to be reconstituted to be effective from 1 September 2016.

2. BACKGROUND INFORMATION

- 2.1 At the full board of governors meeting of Burton Upon Stather Primary School held on 17 May 2016, the governors voted to reconstitute the board of governors 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 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
- 2.3 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 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 Burton upon Stather Primary School.

3. OPTIONS FOR CONSIDERATION

- 3.1 **Option 1:** To approve the new instrument of government for Burton upon Stather Primary School.
- 3.2 **Option 2:** Not to approve the new instrument of government for Burton upon Stather Primary School.

4. ANALYSIS OF OPTIONS

- 4.1 **Option 1:** The proposed instrument of government in Appendix 1, meets the requirements of relevant legislation.
 - 4.1.1 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 authority governor	1 Local authority governor
1 Staff governor	1 Staff governor
1 Ex officio Head teacher	1 Ex officio Head teacher
7 Co-opted governors	5 Co-opted governors
Total = 12	Total = 10

4.1.2 The proposed change is to reduce the number of co-opted governors from seven to five members. The positions have been vacant for the previous twelve months and therefore no governors will be displaced as a result of the change

4.1.3 The board of governors will reduce in number by two, which is considered by the board to be the optimum size for the effective governance of the school.

4.1.4 The governing board have recently completed the skills audit and determined that the board holds the range of skills required to effectively govern the school. The board operates effectively as a team, and has the skills required to enable governors to fulfil their three core strategic functions;

- Ensuring clarity of vision, ethos and strategic direction;
- Holding the head teacher to account for the educational performance of the school and its pupils, and the performance management of staff;
- Overseeing the financial performance of the school and making sure its money is well spent.

4.1.5 Approving the instrument of government will allow for the revised structure of the board of governors to be effective from 1 September 2016.

4.2 **Option 2**

4.2.1 If the instrument of government was not approved for the primary school, then the board would hold two vacancies on the board.

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

Civic Centre
Ashby Road
Scunthorpe
North Lincolnshire
DN16 1AB

Authors: Joanne Edgar / Steve Piper

Date: 13 June 2016

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

INSTRUMENT OF GOVERNMENT COMMUNITY SCHOOLS

- 1 The name of the school is Burton upon Stather Primary School.
- 2 The school is a community school.
- 3 The name of the governing board is “Burton upon Stather Primary School Board of Governors”.
- 4 The governing board shall consist of:
 - (a) 2 x parent governors; (at least 2) (elected)
 - (b) 1 x LA governor;
 - (c) 1 x ex officio head teacher
 - (d) 1 x staff governor (elected)
 - (e) 5 x co-opted governors (can include 1 staff member);
- 5 Total number of governors 10.
- 6 This Instrument of Government comes into effect on 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).

NB co-opted governors can be staff members provided that no more than one third (3) of full governing board including head teacher and the elected staff governor are staff members