

NORTH LINCOLNSHIRE COUNCIL

PEOPLE CABINET MEMBER

**RECONSTITUTION OF
BAYSGARTH 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 Baysgarth School to be reconstituted.

2. BACKGROUND INFORMATION

- 2.1 At the full board of governors meeting of Baysgarth School, held on 4 November 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
7 Parent governors	2 Parent governors
4 Local education authority governors	1 Local authority governor
4 Staff governors (inc head teacher)	1 Staff governor
5 Community governors	1 Head teacher
4 Sponsor governors	9 Co-opted governors
Total = 24	Total = 14

2.7 The 2014 regulations give the boards of governors more flexibility with their constitution and state that boards of governors should be no bigger than they need to be to carry out their statutory duties.

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 Baysgarth School.

3. OPTIONS FOR CONSIDERATION

3.1 **Option 1:** To approve the new instrument of government for Baysgarth School.

3.2 **Option 2:** Not to approve the new instrument of government for Baysgarth 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 for the school to be put in place on 1 December 2014.

4.1.3 The board of governors will be reduced from 24 governors to 14 governors.

4.1.4 There are currently three LEA (local education authority) governors plus one vacancy. One LEA governor will move over to the LA (local

authority) position. All displaced governors will be given the opportunity to put their name forward to be co-opted governors.

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) (England) (Amendment) Regulations 2014

**INSTRUMENT OF GOVERNMENT
COMMUNITY SCHOOLS**

- 1 The name of the school is Baysgarth School
- 2 The school is a community school.
- 3 The name of the governing body is "the governing body of Baysgarth School.
- 4 The governing body shall consist of:
 - (a) 2 x parent governors (elected);
 - (b) 1 x local authority governor;
 - (c) 1 x staff governor (elected);
 - (d) 1 x ex officio head teacher;
 - (e) 9 x co-opted governors (may include 2 staff members)
- 5 Total number of governors 14.
- 6 This Instrument of government comes into effect on 1 December 2014.
- 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 governing body.

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