

**NORTH LINCOLNSHIRE COUNCIL**

**CHILDREN, FAMILIES AND LEARNING  
CABINET MEMBER**

**RECONSTITUTION OF  
THE ST. BARNABAS' AND ST. HELENA'S FEDERATION 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 the St. Barnabas' and St. Helena's Federation to be reconstituted to be effective from 1 September 2017.

**2. BACKGROUND INFORMATION**

- 2.1 At the full board of governors meeting of The St. Barnabas' and St. Helena's Federation held on 14 June 2017, 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 The St. Barnabas' and St. Helena's Federation.

### 3. OPTIONS FOR CONSIDERATION

3.1 **Option 1:** To approve the new instrument of government for the St. Barnabas' and St. Helena's Federation.

3.2 **Option 2:** Not to approve the new instrument of government for the St. Barnabas' and St. Helena's Federation.

### 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 x Parent governors	2 Parent governors
1 x Local Authority governor	1 x Local Authority governor
1 x Staff governor	1 x Staff governor
1 x ex officio head teacher	1 x ex officio head teacher
9 x co-opted governors	5 x co-opted governors
4 x foundation governors	3 x foundation governors
<b>Total = 18</b>	<b>Total = 13</b>

4.1.2 The governing board have reviewed the constitution and followed the requirements of the DfE guidance to have two elected parent governors; and to co-opt other governors as necessary to ensure that the board has the skills required to effectively govern the school.

4.1.3 Due to current vacancies on the governing board, no governors will be displaced as a result of the revised constitution. The new constitution also follows the DfE advice of smaller, more skills based governing boards.

4.1.4 The revised constitution allows the board to have 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 2017.

## 4.2 **Option 2**

4.2.1 If the instrument of government was not approved, the governing board would retain co-opted and foundation governor vacancies.

## 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 the new Instrument of Government (Appendix 1) is approved and implemented from 1 September 2017.

DIRECTOR OF LEARNING, SKILLS AND CULTURE

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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 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 VOLUNTARY CONTROLLED SCHOOLS

- 1 The name of the federation is The St Barnabas' and St Helena's Federation.
- 2 The names and categories of the schools in the federation are:
  - St Barnabas' Church of England Primary School, Barnetby (voluntary controlled)
  - Kirmington, St Helena's Church of England Primary School (voluntary controlled)
- 3 The name of the governing board is "The governing board of the St Barnabas' and St Helena's Federation".
- 4 The governing board shall consist of the following:
  - 2 x parent (one from each school)
  - 1 x local authority
  - 1 x staff
  - 1 x head teacher
  - 5 x co-opted
  - 3 x foundation
- 5 Total number of governors 13 (except any time when the head teacher has given notice as above that s/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 foundation governor appointed by the Lincoln Diocesan Board of Education (principal officiating minister).
  - (b) One foundation governor being a member of the Church of England appointed by the Diocese of Lincoln Board of Education after consultation with Barnetby le Wold Parochial Church Council
  - (c) One foundation governor being a member of the Church of England appointed by the Diocese of Lincoln Board of Education after consultation with Kirmington Parochial Church Council
  - (d) In the event that either Parochial Church Council is unable to fill their

places then such vacant places can be filled by someone from the other Parochial Church Council.

- 7 (a) The holder of the following office shall be foundation governor ex officio:-
- **Rector of the North Wolds Group**
- (b) **The Archdeacon of Stow and Lindsey after consultation with the Rural Dean of Yarborough** shall appoint a foundation governor to act in the place of the ex officio foundation governor whose governorship derives from the office named in (a) above, in the event that that ex officio foundation governor is unable or unwilling to act as a foundation governor or has been removed from office under regulation 23(2) of the Regulations.
- 8 **The Archdeacon of Stow and Lindsey** may request the removal of any ex-officio foundation governor and appoint a substitute governor.
- 9 Recognising its historic foundation, the school will preserve and develop its religious character in accordance with the principles of the Church of England and in partnership with the Church at parish and diocesan level. The school aims to serve its community by providing an education of the highest quality within the context of Christian belief and practice. It encourages an understanding of the meaning and significance of faith and promotes Christian values through the experience it offers to all its pupils.
- 10 This instrument of government comes into effect on 1 September 2017.
- 11 This instrument was made by order of North Lincolnshire Council Local Authority in August 2017.
- 12 A copy of the instrument must be supplied to every member of the governing body (and the head teacher if not a governor) and to the appropriate religious body.